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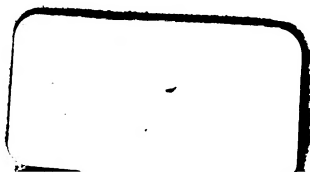
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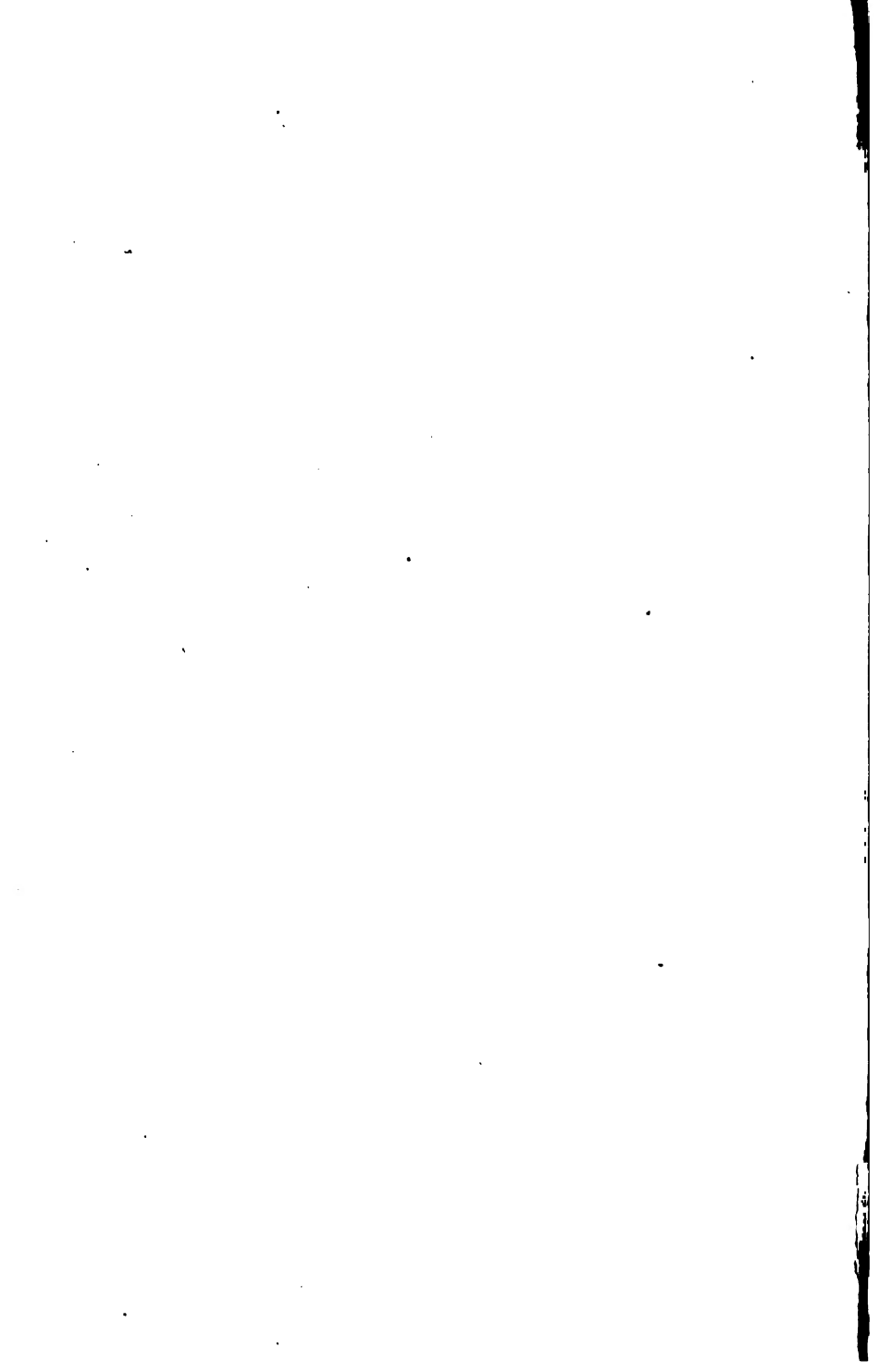
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H I S T O R Y

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THE
H I S T O R Y
OF THE LIFE OF
KING HENRY THE SECOND,
AND OF THE AGE IN WHICH HE LIVED,
IN FIVE BOOKS:

TO WHICH IS PREFIXED

A History of the Revolutions of England

From the Death of EDWARD the Confessor

To the Birth of HENRY the Second:

BY GEORGE LORD LYTTELTON. *1. Baron*

A NEW EDITION, CORRECTED.

VOLUME THE FIRST.



LONDON,

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GENERAL

PREFACE

To the Whole WORK.

BEING desirous of employing my leisure hours in some manner agreeable to myself, and not useless to others, I have undertaken to write the life of King Henry the Second, one of the greatest princes in extent of dominion, in magnanimity, and in abilities, that ever governed this nation. But to five books on this subject I shall prefix a short history of the Revolutions of England, from the death of Edward the Confessor to the birth of Henry the Second; because the changes introduced into this kingdom in the reign of William the First, and under the three succeeding kings, continued to influence, and in a great measure to form, the political system, in which Henry was engaged. Nor shall I, after the example of some ancient biographers, confine myself only to his personal actions, referring the reader to the accounts of other historians for the general state of the nation and of public affairs, or describing it superficially.

cially. In writing the life of this prince, I mean to write a part of the history of my country; and shall therefore attend as carefully to all that regards the constitution of England, as to circumstances where his character alone is concerned.

Some modern writers have composed general histories, in which this period is comprehended: but, without derogating from the merit of any of these, it must be acknowledged, that, in works of so vast an extent, there cannot be such a full detail of particulars, nor so much exactness and accuracy, as in those which are confined to narrower limits. It is only in the latter, that the several steps and preparatory measures, by which great actions are conducted, and great events are brought on, can be shewn with any clearness. Much in this history will therefore be new to many of my readers; and if it is favorably received by the public, others may be encouraged to pursue a similar plan, and take the same pains, with greater abilities, in writing the lives of some other kings of England, which have not been hitherto treated of so distinctly and so amply, as the importance of the matters contained therein may be supposed

posed to require. There is no branch of literature in which the English have less excelled; though surely there is none which deserves more to be cultivated by a free people. It shews them the birthright they have in their privileges, raises in their minds a generous pride, and makes them ashamed to degenerate from the spirit of their ancestors. Whereas nations that have lost, or given up, their liberties, are afraid to revive the memory of what they have been in better days, or to speak of the past without a timorous caution, lest it should be understood to reflect on the present. Nor can the sincerity which is requisite in an historian consist with the baseness and adulation of servitude, but may safely display itself under the friendly protection of liberty, and the good influence of a government which has nothing to fear from historical truth.

We are not indeed so intimately concerned in the transactions of more remote times, as in those of the present or the last century; but, if we can attend, with an eager sense of delight, to the accounts we find, in ancient writers, of the earliest ages of the Roman republic, the acts of those mighty princes, who rendered this kingdom illustrious in Europe,

and established its constitution on the basis of freedom, above six hundred years ago, may reasonably interest us in a higher degree : it being as natural for nations, as for particular families, to be fond of looking back upon the first founders of their honor and greatness.

The materials, transmitted to us, by the care of our ancestors, for a work of this kind, though not so compleat as might be wished, are much better than those which form the Roman history, from the building of Rome to the second Punic war. With relation to the reign of Henry the Second we have such as are to be found in few other periods of ancient or modern times, viz. collections of letters, written on affairs of great moment, by some of the principal actors in those affairs, or persons employed by them, and deep in their confidence. From thence I shall take almost all the particulars of Henry's quarrel with Becket, and throw light on many other important transactions.

In the second book of this volume, which will contain the history of that prince from his birth, till he ascended the throne of England, will be likewise included the chief occurrences of the reign of King Stephen ; which I shall relate

relate with some detail; because, though Henry was too young, during a great part of that reign, to act for himself, yet he had so near a concern in the business of those times, that, without a thorough knowledge of it, the judgment of the reader, on his subsequent life, and the view of the whole scene, which opened to that prince, as soon as he came into action, would be very imperfect.

All disquisitions of a critical nature, concerning the dubious and controverted points which occur in this work, or any such remarks as I think would disagreeably interrupt the narration, I shall throw into notes, and place them at the end of each volume, reciting the several passages to which they refer, at the head of each note. There will also be joined to these some valuable pieces, not printed before, or printed in books that are in very few hands; and some transcripts of charters, laws, ordinances, &c. which are too long to be inserted in the body of the history, or which some of my readers may like to see in the original language.

The life of Henry the Second, which I have chosen to make my principal subject, appears to me particularly instructive, from the uncommon

common variety of the events it contains; from its being distinguished by great virtues and great faults; by sudden and surprising changes of fortune in the affairs of this kingdom; by the subjection of Wales, of Scotland, and of Ireland; and by a glory surpassing all military achievements, the reformation of government, and the establishment of good laws, and wise institutions, beneficial to the publick. These are objects deserving the attention of all ages; and they who think it best to contract the accounts of such events into narrow abridgements, seem rather to favor the idleness, than consult the instruction, or pleasure, of their readers. The greatest merit I can pretend to in composing this history will be a faithful compilation of all material facts, relating to my subject, from the most authentic evidence that a very diligent and laborious search could procure. I shall always prefer the authority of contemporary writers to that of others more distant, and be most directed by those who had the best opportunities of being informed of the truth, and the best understandings to judge of it in doubtful matters; unless, from an apparent bias on their

their

their minds; there is reason to distrust them as partial.

From the distance of the times I write of this advantage arises (and to me it seems not a small one) that I shall be under no temptation to alter or disguise the truth of any facts, from a regard to present interests or present passions. The times we live in have no resemblance to those treated of here, either in the general state of public affairs, or in the characters of eminent persons, or in the conduct of particular bodies of men. Whatever, for instance, is said of the clergy during the course of this work, let it be always remembered that it is said of the clergy in the eleventh and twelfth centuries; that is, in the most corrupt and dark ages of popery, when the pure light of the gospel was almost extinguished, and the ministers of it were become a mere faction, combined together, under a foreign head, against the civil power. No part of that blame can fall upon the present clergy of England. On the contrary, there is nothing that should more endear to us our happy establishment in church and state, than an attentive review of the many evils we suffered, when another religion, and, under the

I sanction

function of *that*, quite different notions of ecclesiastical power, prevailed in this kingdom. Even with regard to civil liberty, if the degree of it enjoyed by our ancestors be compared with that ascertained, confirmed, and secured to us by our present constitution, the advantage will be found so great on our side, that it will make us more sensible of our felicity, and strengthen our zeal to maintain it. But at the same time we shall see that our claim of rights is supported on very ancient foundations; and that even the rudest form of our government has always been animated by the spirit of freedom. May that spirit continue to inspire and support it in the more perfect state, to which it has been gradually brought by the wisdom of many ages, and more particularly by the Revolution in the year sixteen hundred and eighty-eight; when the bounds of the royal prerogative were better marked out, and the privileges of the people more clearly defined and established, than at any other period from the Norman invasion, or even from the first settlement of the Saxons in Britain!

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H I S T O R Y

O F T H E

Revolutions of ENGLAND

From the Death of EDWARD the Confessor

T O T H E

Birth of HENRY the Second.

THE kingdom of England, after having been harrassed by the invasions of the Danes, and subject successively to three kings of that nation, had been restored to the Anglo-Saxons at the death of Hardicanute, by the election of Edward, surnamed the Confessor, one of the sons of King Ethelred by Emma of Normandy. This prince, who was fitter for a monastery than a throne, having reigned, under the direction of the great lords of his court, about four and twenty years, died without issue, in the year of our Lord one thousand and sixty-six. Towards the end of his life he had called over from Hungary his nephew Edward, son to his elder brother Edmond Ironside, with an intention to make him his successor. Edmond Ironside, at the death of his father, King Ethelred, had been

*V. Malmsh.
 l. ii. de gest.
 Reg. Anglor.
 f. 45.*

*Ibidem, f. 52.
 sect. 50.*

V. Chron.
Saxon. sub
ann. 1016.
p. 148, 149,
150.
Malmfb. l. ii.
f. 41.
V. S. Dunelm.
& Diceto
Abb. Chron.
subann. 1017.
Brompt. Chr.
p. 907.

acknowledged by the English as their sovereign, and had defended his kingdom, with extraordinary valour, against the Danes, till, by the treachery of one of his nobles, he was forced to divide it with Canute king of Denmark, and soon afterwards died. He left two sons, whom Canute sent into Sweden, that they might be there put to death; as some historians relate: but others say, with more probability, that he ordered one of his Danes to carry them into Denmark: and that the man, moved with pity for these innocent victims of a barbarous policy, instead of obeying that command, went with them into Sweden; the king of which country, being apprehensive of bringing on himself a war with Canute, by protecting them there, conveyed them from thence into Hungary, where Edwin, the elder of them, died without posterity. The younger, named Edward, married Agatha, sister-in-law to Solomon king of Hungary, and daughter to the emperor Henry the Second. When the English, after the decease of the two sons of Canute, were again enabled to chuse a king of their own royal family, this prince would incontestably have had the best title, if the Saxon constitution had always disposed of the crown in a lineal course of descent. But the notion of a strict hereditary right not being hitherto so established in England, as constantly to direct the succession, Edward, Ethelred's younger son, with the assistance of Godwin Earl of Wesssex, whose daughter he

V. Malmfb.
l. ii. f. 45, 52.

promised to marry, was raised to the throne; and no notice was taken of his nephew during several years, till he was called home, at the desire of King Edward himself, and declared by that monarch, with the consent of the nation, heir to the crown. This could never have happened, if the election of his uncle, in preference to him, had not been esteemed *a legal act*: for no usurper, without being forced to it by foreign or civil arms, would bring the person, whose right he had invaded, to reside in his kingdom, with the rank of his successor, during his own life-time. There being hardly any hopes of the king's having a child, and no other prince of the royal family remaining alive, except this Edward, and his son Edgar, the English, without impeachment of the former choice they had made, turned their eyes towards them, and willingly concurred with their sovereign in calling them over to inherit the kingdom. But it was otherwise directed by Providence. The unfortunate Edward died soon after his return into England, leaving the abovementioned son, and two infant daughters, Margaret and Christiana, whom the king, with great affection, bred up in his court, and even gave Edgar the title of Atheling, which belonged to the royal family, and seemed to mark him out as heir to the crown. Yet, notwithstanding this appearance of an adoption, as he was still under age when King Edward died, he was not thought capable of taking the government, and there-

REVOLUTIONS OF ENGLAND

fore was not nominated by that monarch at his death, to succeed to his kingdom; and the same objection prevailed with the great council, or Witenagemote, to set him aside, and elect Harold, the son of Earl Godwin.

V. Spelman.
Alfredi Magni
vita, l. i.
p. 9.

The excluding of a minor from the succession in England was not new to the Saxons. They saw the evils that may attend a minority in the strongest lights, and did not consider (as they ought to have done) what greater mischiefs might follow, when a prince who had been thus excluded should come of age, and be capable of asserting a claim to the crown; but sought to avoid a present inconvenience, against which other and better remedies might have been found, with little providence or care for the future. It was from this short sighted policy, and also from the desire of having a king able to command their armies himself in time of war (a duty they thought essential to sovereignty), that they now were induced to prefer Harold to Edgar. If they could have found any other of the royal blood of England, who was not a minor, they would, undoubtedly, have preferred that person to Harold; because, though they often broke the line of succession, they always adhered to one family; for which reason they had permitted the sons of king Edgar, Edward the Martyr, and Ethelred, to take the crown, notwithstanding their nonage: but the experience of the misfortunes the nation had suffered,

suffered, during the minority of the latter, might be an argument against Edgar Atheling: and, if they would not make him their king, they were obliged to elect one from another family; in which case there was none that could stand in competition with that of Earl Godwin. For (besides the alliance which he had contracted with the Saxon royal blood, by the marriage of his daughter with Edward the Confessor) his second wife, by whom he had Harold, was niece to Canute the Great: the whole power of the government had long been vested in him and his sons; and after his decease Harold had drawn it all to himself, with no small advantage both to the crown and the nation. He so conducted the affairs of the kingdom, that he made the reign of a very weak prince most happy to the English: victory attended his arms on the borders; liberty and peace were maintained by him at home. There was much dignity, gracefulness, and strength, in his person; he had a courage and resolution which nothing could daunt, an easy flow of natural eloquence animated by a lively agreeable wit, and elevation of sentiments with popular manners. Besides all the lustre he drew from his political and military talents, in which he had no equal among his own countrymen, his character was embellished, and rendered more amiable, by a generous spirit, and a heart in which humanity tempered ambition. It does not appear that his virtues were disgraced by the mixture of any

V. Malmsh.
de gest. Reg.
Angl. l. ii. f.
46. sect. 50.
Florent. Wi-
gorn. p. 635,
sub ann. 1067.
S. Dunelm.
de gest. Reg.
Angl. p. 197.
sub ann. 1067.

Ord. Vital.
l. iii. p. 492,
et 500.
Malmsh. de
Gul. I. l. ii.
f. 52.

vice or weakness, which could dishonor him in the eyes of the public. Upon the whole, he was worthy of the crown he aspired to; which is confest even by writers no way disposed to judge of him too favourably, and still better proved by all his behaviour after he was on the throne.

See Malmfb.
l. ii. de Gul.I.
f. 52. et
Orderic. Vit.
l. iii. p. 492.
et 500.
See Flor. Wi-
gorn. &
Chron. Sax.
sub ann. 1066.
Eadmer. hist.
nov. l. i. p. 5.
G. Pictav.
Gest. Gul.
Duc. p. 200.

If we may believe some ancient historians of no little authority, his election was grounded on the last will of king Edward, or at least on his dying words: but even allowing their evidence in this point to be false, still that election will remain good and valid. For though the nomination of Edward, if given to Harold, was a very important advantage, because the Saxons usually ratified the will of their king in appointing a successor; yet his not being so named could not destroy the right of the nation to chuse a king for themselves, according to the maxims they had received from their ancestors; especially at a time when they were in danger of a foreign invasion. And the alarm of such a danger was then very great.

William Duke of Normandy, surnamed the Bastard, laid claim to the crown of England. He was son to Robert the Second, by Arlotta, the daughter of a furrier at Falaise: but, notwithstanding his illegitimacy and the meanness of his mother, he had been allowed to succeed in the dutchy to his father, though not without the opposition of dangerous factions, particularly, during his nonage. They
were

were all overcome by the prudent care of his guardians, and by his own great abilities, which, when he came to an age of manhood, raised the dutchy of Normandy to a higher pitch of glory, than it had ever attained to, under any of his predecessors.

That country, called Neustria, before it was gained by the Normans, had been yielded by Charles the Simple, in the year nine hundred and twelve, to Rollo, a Danish prince, who, at the head of an army collected from all Scandinavia, had taken Roüen, and invaded from thence the neighbouring provinces, till the progress of his arms was stopped by this cession. For above half a century France had been desolated by these valiant corsairs, the last swarm of Barbarians emitted by the North. They came in flat-bottomed vessels, and sailing up the mouths of the principal rivers, ravaged the country with horrible devastations: but none before Rollo had acquired any fixed establishment in that kingdom. To him and his successors this province was granted, with the title of a dutchy, upon his consenting to embrace the Christian religion, and to hold his dutchy under homage to the French crown, which, by the divisions that had happened in the family of Charlemagne, and the incapacity of most of his successors, was fallen into great weakness. If the same government had continued, the posterity of Rollo would probably have become quite independent: but the monarchy being strengthened by the power of

Hugh Capet and the kings of his race, the dukes of Normandy remained peers and vassals of France; and the Normans were gradually humanized by their intercourse with the French. They had brought with them, and pertinaciously retained, a fierce spirit of liberty, common to all the northern nations: but though they preserved several of their own ancient customs, they received and adopted the system of feudal law, which was settled in France about the time of Hugh Capet, thinking it neither inconsistent with freedom, nor disagreeable to the genius of a military people. The treaty made with Rollo had rendered Bretagne a fief of their duchy; and the Bretons were compelled, by the arms of the dukes of Normandy, to acknowledge their sovereignty; yet not without repeated and vigorous efforts to shake off that dependence.

The first beginning of any connexion between the Normans and the English was in the year one thousand and two, when Ethelred king of England married Emma the daughter of Duke Richard the First, who was the grandson of Rollo. She brought him two sons, the princes Alfred and Edward, of whom the latter was distinguished afterwards by the name of the Confessor. The revolution which happened upon the death of her husband obliged her to send her children to Normandy, and take refuge herself in that country; from whence she returned, to give her hand to Canute,

Encomium
Emmæ.
Malmfb. de
geit. Reg.
Angl. l. ii.

Canute, who, after the death of Edmond Ironside, Ethelred's son by a former wife, had, with the unanimous consent of the English, added the monarchy of England to that of Denmark. By this prince she had a son named Hardicanute, who in the year one thousand and thirty six succeeded to him in Denmark; but England fell to Harold, surnamed Harefoot; his son by an English lady, whom some authors call his wife, and others his mistress. As for the sons of Emma by Ethelred; they had remained, during the life of Canute, in the court of the duke of Normandy; their mother being afraid to bring them into England, lest they should be sacrificed to the jealousy of that king. But, on the death of his father-in-law, Alfred came over: and unhappily trusting his person to earl Godwin was delivered by him to Harold Harefoot, who put out his eyes; of which cruel treatment he died, much lamented by the English. Emma thereupon fled again out of England, and continued in Flanders till after Harold's decease, which happened in the year one thousand and thirty nine. Hardicanute, who succeeded to his brother without opposition, recalled her from thence, and also Prince Edward, her son, from Normandy; where he had resided so long, and received such impressions from education and habit, that he was become almost a Norman. When he was set on the throne of England, he followed the customs and fashions of Normandy, and introduced many of them into his kingdom: the French

Chron. Saxon.
sub ann. 1051,
1052.

V. Ingulph.
p. 68. sub
ann. 1065.

V. Ingulph.
Pictaven.
Gemeticen.
Order. Vital.
H. Huntin.
E contra,
Chron. Sax.
Flor. Wigorn.

French language was spoken by most of his nobility, and the Norman forms were used in legal proceedings. Bishopricks, earldoms, and lands, were given by him to several Normans; his court was filled with them; and they so engrossed his favor, that at last, by their influence, earl Godwin and his sons were driven out of England: but they presently returned, and obtained a decree, from the king and the great council, to expel all the Normans; among whom was Robert archbishop of Canterbury, who died in his exile. Nevertheless the king's heart remained unaltered. He kept up a close friendship with William duke of Normandy, and, after the death of his nephew, secretly promised to appoint him his successor in the kingdom of England: a promise not confirmed by the consent of the nation, and to which they paid no regard. On the contrary, the apprehension of being subjected to the government of a foreigner, which Harold, who was informed of the pretensions of William before Edward died, infused into them on that event, inclined them the more to set aside Edgar Atheling; as, in such a conjuncture, the defence of the kingdom seemed absolutely to require a prince of experienced valour and wisdom. The best expedient would have been, to have given the crown to Edgar, and made Harold protector; but it was not then thought of; or at least we do not find that it was ever proposed.

No credit, I think, is due to what is said by some

some historians, in contradiction to others of better authority in this point, *that Harold intruded himself into the throne without the general consent of the nation.* There is more reason to wonder, that when the Normans were masters of England, any who lived in those times, or soon afterwards, should dare to write truth upon so delicate a subject, than that some of them should impeach the title of Harold, and speak of him as an usurper. But that he had the affections of the nobles and people strong on his side appears from this fact, in which all the contemporary authors agree, that no party declared itself, while he was alive, either in behalf of Edgar or of William. The latter indeed had nothing to alledge in support of his claim, but the promise of the late king, not even authenticated by his last will: and his will itself, had it been made in favour of William, without the ratification of the great council, would not have been obligatory to the people of England.

The duke indeed might charge Harold with the breach of an oath; that nobleman having sworn to him, not long before, that he would assist him in his views of succeeding to Edward; which he was induced to do by a kind of compulsion. For, being at sea, upon a party of pleasure, he was surprised by a storm, and thrown on the territories of the earl of Ponthieu, who inhospitably seized and detained him a prisoner, hoping to obtain a great ransom for him. In this distress he applied

Sim. Dunelm.
Eadm. hist.
nov.

Diceto,
Abb. Chron.
Hoveden ann.
p. 1. omnes
sub ann. 1065,
1066.

See Ingulph.
p. 65. 68.
Malmsh. l. ii.
f. 52.

See William
of Malmsh. l.
ii. f. 52. l. iii.
f. 56.

to

to the duke of Normandy, of whom the earl held some Norman fiefs, and begged his assistance. That prince immediately procured his release, and received him in Normandy with many demonstrations of the highest regard. But he, who felt, that he was only in a more honorable state of captivity, while he was there, under the power of the duke, sought to recover his liberty at any rate; and therefore took the abovementioned oath, too much and too evidently against his own interests, to permit one to think, that it could be a free or a voluntary act: though, to induce him the more to it, William promised to give him one of his daughters in marriage. He afterwards pleaded, that the constraint he was under, and the nature of the oath, illegal in itself, as being unauthorised by the consent of his country, dissolved the obligation. Certain it is, that he ought not to have entered into such a compact with the duke: yet a less ambitious man would have been deterred by it, from endeavouring to gain a crown for himself, which he had thus solemnly engaged to procure for another. But whatever restraint his oath might be upon him, it could not bind the nation, which was no party to that agreement. King Edward himself had no power, and much less a subject, to dispose of the realm to a foreign prince without their approbation. It is therefore most evident, that the attempt of the duke of Normandy was an unjust violation of the rights of the English, and that those writers
who

who have asserted that his title was good, or better than Harold's, did not very accurately consider the question: especially, if it be true (as is affirmed by many authors, both English and Norman, whose testimony I think can hardly be rejected) that king Edward did on his death-bed nominate Harold his successor. For then he might plead (as William of Poitou says he did, in a message to the duke upon his landing in England) that although he had sworn to confirm to that prince the settlement of the crown, which Edward had formerly promised to make in his favour; yet, as it had been since revoked by a later in favour of himself, which by the customs of England ought to take place, he could not be now obliged to fulfil an engagement, contracted under such different circumstances, and upon a foundation which no longer remained. Certainly this alteration of Edward's intention, if it did not free Harold from all the obligations incurred by his oath, took from the duke of Normandy the sole pretence, upon which he could have any pretensions to England: for though some of our ancient historians have laid a great stress upon the relation he bore to that king, whose mother Emma was aunt to his father, it is, I think, very clear, that, not having a drop of English blood in his veins, he could not, from so remote an affinity, derive any hereditary right to the crown. To Edward indeed it might be some recommendation, and, together with the favours he had received in his youth

from

See Flor. Wigorn. et Chron. Sax. sub ann. 1066. Eadmer. l. i. p. 5. See Pic. Gest. Gul. Duc. p. 200.

Malmsh. l. iii.
 f. 56.

from the duke, might incline him to bequeath his realm to that prince; from which the difficulties of bringing the nation to give their consent to it might force him to depart, and nominate Harold, agreeably to their wishes. But that *against* his last will, or even *without* it, the duke had any right of succession to the crown, cannot be supposed with the least shadow of reason. Yet, weak as his title was, it had the sanction of the pope's approbation, able in those days to supply all defects. This he gained by respectfully submitting his cause to the judgment of Rome, which Harold not doing, he was declared an usurper by Alexander the Second; that see proceeding in this affair upon a political maxim it often has followed, to give sentence in favour of those who apply to it, against those who do not, without any regard to the merits of the case.

William having thus, as other usurpers had done before him, helped out a bad title, and hallowed an enterprize very unjust in itself, by the papal benediction, resolved to pursue it, notwithstanding such difficulties as none but a great and heroic spirit would have dared to encounter. The forces of Normandy bore no proportion to those of the kingdom he designed to invade; and he had no reason to expect any addition of strength from the neighbouring princes: because many of them had been lately at enmity with him, and all were jealous of the encrease of his power. He had indeed married the daughter of Baldwin the Fifth, earl

earl of Flanders, who was then regent of France in the minority of Philip the First; and to this alliance he owed that he was not obstructed in his design by that crown; but he could not obtain from the government any assistance. It was not with a cowardly or dispirited people that he was to contend. The long and peaceful reign of King Edward the Confessor might have possibly rendered the Saxon militia somewhat less formidable: but still the general temper of the nation was warlike; nor was the tranquillity of those times so profound, as not to afford them some occasions of exercising their valour, in which they nobly maintained their ancient reputation. An English army, sent out of Northumberland by Edward, had vanquished Macbeth, and restored Malcolm Canmore to the kingdom of Scotland. Another had very lately, and under the command of Harold himself, subdued the Welsh. His navy was much superior to that of the Normans, both in the number of ships and goodness of sailors; as the Norman writers themselves acknowledge. He was further strengthened by a close alliance with Denmark, being of the royal blood of that nation, by Githa his mother, who was sister to Swain, or Sueno, the king then reigning; which naturally endeared him to all his subjects of Danish extraction, who were still very numerous in some parts of England, and was a much nearer connexion than the ancient relation between the Danes and the Normans. We even

find,

See Dunelm.
et Hoveden.
sub ann. 1054.
Malmfb. de
gest. R. A.
f. 44. c. 13.
See Ingulph.
p. 68.
Flor. Wigorn.
sub ann. 1063.
Malmfb. f. 44.
Dunelm. sub
ann. 1064.
See Pict. gest.
Gul. D. p.
108. et Ord.
Vit. l. iii. p.
493.
See Flor. Wi-
gorn. p. 635.
sub ann. 1067.
et Ord. Vit.
p. 502. l. iii.
et S. Dun. de
gest. R. A.

p. 197. sub
ann. 1067.
Pictav. gest.
Gul. Ducis
Norm. p. 201.
See Ingulph.
subann. 1095.
Flor. Wigorn.
subann. 1064.
Sax. Chron.
subann. 1063.
See Dunelm.
et Flor. Wi-
gorn. sub ann.
1066.

find, that a considerable body of troops was sent to him by his uncle, on the first alarm of an invasion designed against him from Normandy. On the side of Wales, or of Scotland, he had nothing to fear; the princes, who governed the Welsh, being attached to his interests; and the Scotch under Malcolm, who owed his crown to the English, having a league of friendship with that nation, on which Harold might rely with security. Among his own people there was no discontent, to invite or assist an invader. His government was so gracious, that his subjects would have loved him though he had been an usurper. And, if we may judge from what had passed in the reign of Edward the Confessor, the Normans were of all foreigners the most odious to the English, whose animosity against them had appeared in national acts, and had overpowered the inclinations expressed by Edward in their favor. When all these circumstances are considered, it may well be affirmed, that there is no enterprise recorded in history more surprizingly bold than this of the duke of Normandy. But what, in an ordinary man, would be a culpable rashness, in a great man is a proper exertion of extraordinary talents. So strong was the influence which the superior genius of this prince had over the Normans, that, as if he had animated them with his own spirit, they voluntarily agreed to give him the aid he desired, in this unnecessary and dangerous war which they were not bound to support in virtue

See Orderic.
Vital. et gest.
Gul. Duc.
subann. 1066.
Malmsh. l. iii.
c. 56. sect. 50.

tue of their tenures; and followed him to it with no less alacrity, than if it had been their own quarrel. But, being sensible of the danger of leaving his dominions so stript of their forces, he provided against it by a league with the emperor Henry the Fourth, a mighty and warlike prince, who promised to defend him, as an ally of the empire, against any invader. And thus he took off, or much lessened, a very weighty objection, which some of the nobility are said to have urged against his undertaking, when he first proposed it to his council. Eustace earl of Boulogne confederated with him therein, and even served him in person. This added much to his strength; Boulogne being, at that time, very considerable in navigation and maritime power; which helped to supply the deficiency of his shipping and seamen. Nor was it a small advantage that he drew from the reputation of Eustace, who, being accounted a person of great prudence and sagacity, seemed to vindicate the duke of Normandy, by the part he took in this enterprise, from the charge of temerity, and induced others of a like character to run the same hazard. Such was the fortune of that duke, and such his ability in negociation, that he likewise obtained assistance from some princes of France, whose arms Harold had thought would have been rather employed to disturb him in Normandy, than abet his design upon England. Conan duke of Bretagne, Gemiticen. l. vii. c. 33. on the first notice he received of that design,

had declared war against him, in terms very offensive: but, before he could execute his intended hostilities, he fell sick and died, so opportunely for William, that it excited a suspicion of his having been poisoned at the instigation of that prince; but, I am persuaded, most unjustly: for the account given us of the means by which it was perpetrated is very incredible, and seems to have been grounded upon no better evidence than vulgar opinion. Hoel, the successor and brother in law of Conan, was so far from pursuing any revenge against the duke, that he sent a large force, under his son, Alan Fergant, to aid him in his enterprize against King Harold; which decency would not have allowed him to do, had there been any sufficient cause to believe this report. Thus the impediment of a quarrel and a war with Bretagne, by which all William's views upon the kingdom of England would, probably, have been for ever defeated, was not only removed, but the heir of that dutchy and the best of its soldiers were engaged in his service. The earl of Anjou also sent some troops to assist him, in the procuring of which he must have been very dextrous; no potentate being less entitled than he to the friendship of that state, from which he had taken, but a little before, the bordering earldom of Maine. Besides these auxiliaries, the high pay which he gave, and the promises which he made of lands in England, drew to his banner, from all the neighbouring countries, which

Orderic. Vi-
tal. et Pictav.
sub ann. 1066:

which happened at this time to be in peace, a great number of good officers and veteran soldiers, who wanted employment, and were ready to engage in any adventure, that might give them a prospect of advancing their fortunes. Indeed, the nature of the governments then settled in Europe, and the temper of the people, disposed them so strongly to military achievements, that they could not live in quiet: and as the fashion of crusades was not yet introduced, to give a vent to their martial humour in Asiatick wars, it discharged itself in such enterprizes as this against England. The duke of Normandy's character answered all those difficulties, which might reasonably have deterred them from joining him in it, and raised their hopes above any apprehensions of danger. They called to mind, with what extraordinary valour and conduct he had subdued all the factions within his dominions, and triumphed over all enemies who had attacked him from without, among whom was his sovereign, Henry the First, King of France. Under a leader so intrepid, so prudent, and so fortunate, they confidently assured themselves of success, and fired their imaginations with splendid ideas of wealth and honors in England. Thus he made up an army of fifty thousand horse and ten thousand foot, all chosen men; according to the account of one who attended him in this expedition. To transport such a cavalry was an affair of much difficulty; yet he found means to do it, by the vast num-

V. Pictav.
gest. Gul. D.
p. 197. 199.
Orderic. Vit.
l. iii. p. 500.

ber of ships he procured for that purpose, having (as a contemporary historian affirms) a fleet of three thousand sail, great part of which he had ordered to be built with this intent. The charge of providing and equipping it was borne by his vassals, who contributed to it in proportion to the lands that each of them held. But Normandy alone could not furnish all the seamen such a navy required; and therefore it may be presumed, that some were obtained from his new ally in Bretagne, and many from Flanders and the earldom of Boulogne.

While this prince was thus busied in collecting together, or, rather, creating a force, which might enable him to contend for the crown he aspired to, Harold was no less active in making preparations to defend it against him. But, before the English monarch had occasion to oppose his arms to the Normans, he was obliged to employ them against other invaders, whom he did not expect. His own brother Tosti, a man given up to the worst passions, and capable of gratifying them by the worst means, was the first enemy who disturbed the peace of his realm. This lord, in the reign of Edward the Confessor, had been earl of Northumberland, and by many grievous oppressions had so irritated the people, that, rising in arms, they drove him out. Harold, having been sent with a commission from the king to suppress this revolt, was told by the Northumbrians, *“ that they were born*

and

V. Gemiticen.
l. vii. c. 34.
V. Malmfb.
l. iii. de W. I.
f. 56. sect. 50.
See also the
Appendix,
p. 463.

V. Pictav. et
Orderic. Vit.
sub ann. 1066.
Flor. Wigorn.
sub eodem
anno.

Malmfb. de
gestis Reg.
Angl. l. ii.
f. 46.
Chron. Sax.
sub ann. 1064.

and bred freemen, and could not endure a tyrannical governor; but had learnt from their ancestors to secure to themselves either liberty or death."

Such language, by a man of a despotic temper, would, certainly, have been deemed an unpardonable aggravation of their offence; but Harold respected it, admitted their plea, and even rendered himself their advocate with the king (to whom his entreaties were commands), that they might have for their governor the person they desired, Morcar, the younger brother of Edwin earl of Mercia, whose father and grandfather had been dangerous enemies to his father and himself: a most laudable act, and which shews that he was worthy to rule a free kingdom! It may indeed be thought, that policy joined with generosity and with justice, in dictating to him this extraordinary conduct; for, besides the hearts of the people, he gained by it a connexion with two powerful nobles, who never forgot the obligation, and whose warm adherence to him must have greatly contributed to raise him to the throne. But Tosti could not pardon him for taking this part. Being now desperate in mind, as in fortune, he sought any opportunity of sacrificing his country to his revenge, and, upon Harold's election, exasperated by envy no less than resentment, offered himself and his friends to the duke of Normandy, whom he instigated to invade his brother's dominions. He and that prince were related, by having married two sisters; and, in the

Ord. Vit. l. vii.
sub ann. 1065.
1066.

Ord. Vit. ubi
suprà.
See also Ge-
miticen. l. vii.
c. 32.

present circumstances, it appeared advantage-
ous to William, that Tofti should, in his
name, make an attempt upon England, and
light up the flame of civil war in that king-
dom, with such a force as could be easily and
suddenly raised, while he himself was prepar-
ing a much greater armament, which could
not be ready to act till late in the summer.
Yet no Norman troops were entrusted to the
conduct of this lord; but it seems that he
hired some mercenary soldiers, and, by some
means or other (perhaps from his father-in-
law, the earl of Flanders), procured a fleet of
sixty ships, with which he sailed to the Isle of
Wight, and there raised contributions. From
thence he made a piratical war along all the
coast of England, as far as to Sandwich; be-
fore Harold's royal navy, which was then
fitting out against the duke of Normandy, was
fully equipt. He had flattered himself, or, at
least, had promised the duke, that many of his
friends would rise to aid him, when he should
appear on the coast: but not an Englishman
joined him, except a few common sailors; and
of these the greater part were pressed into his
service; so that, despairing of success, and
fearing to abide the approach of the king, he
was inclined to return to Normandy; but, the
wind not permitting it, he sailed to the Hum-
ber, and committed some ravages on each side
of that river, till Edwin and Morcar came a-
gainst him with an army, which forced him to
betake himself again to his ships, and seek a
refuge

Flor. Wigorn.
sub ann. 1066.
Ord. Vit. ibid.
Malmsh. f. 52.

refuge in Scotland. After some months he returned, to invade his country once more, not with the duke of Normandy, but with another foreign prince, whom he accidentally met at sea, as some of the contemporary authors relate; or had, by a previous negotiation, incited to this enterprize, as others affirm. This was Harold Harfager, king of Norway, who, with three hundred great ships, or (according to other accounts) five hundred, and a formidable army of veteran soldiers, by which some of the Orkney islands had lately been subdued to his dominion, came, about the middle of September this year, into the mouth of the Humber. It does not appear that he undertook this expedition in concert with the Normans, or with any intentions but to act for himself: yet Tosti joined him, without regard to his former engagements, not caring by whom he might obtain the revenge he so vehemently desired.

See Malmsh.
degest. R. A.
l. ii. p. 52.
Huntingd. et
Sax. Chron.
subann. 1066.
See Ord. Vit.
et Gemitice.

Harold did not look for this attack. After the time when his brother was driven out of the Humber, his fleet and army had been constantly stationed to guard those parts of the island that are nearest to Normandy, from which country alone he had any apprehensions of a descent. The northern coasts being therefore left open and defenceless, the Norwegians advanced, without the least opposition, as far as York. When Harold heard of their landing, he instantly ordered his navy to sail to

See Flor. Wi-
gorn. Ingul-
phum, et Du-
neim. sub
ann. 1066.
Malinsb. de
gest. R. A.
l. ii. f. 52, 53.

the Humber, and marched himself against the king of Norway, with the whole army he had raised against William, judging that there would be more danger in dividing his forces, than in leaving the southern coast of England exposed to the Normans, till he had overcome the invaders who were actually in the island. He might the more willingly incline to this conduct, if, as some authors affirm, he had received false intelligence, to which he gave credit, that the duke of Normandy was disposed to lay aside his design till another year. And the circumstance of his brother being with the Norwegians might render him more apprehensive of any delay, and more impatient to drive them out of his kingdom. It would, perhaps, have been more prudent, if he had left his fleet in it's former station. But before he came up, Edwin and Morcar, from a desire of saving York, had ventured to fight them, under the walls of that city, with such an army as they were able to collect by hasty levies, inferior in number to the enemy, and for the most part ill-armed. Notwithstanding these disadvantages, the men were so brave, that they stood their ground for some hours; but at last they were defeated, with a very great slaughter. The Norwegians took York; but did not long enjoy their triumph. This battle was won by them on the eve of St. Matthew, and on the twenty-fifth of September Harold attacked them, in a strong post they had taken near Stamford bridge. One of their
soldiers

soldiers is said to have maintained for some time a narrow pass on the bridge, with a valour equal to that of Horatius Cocles, till he was slain by a javelin, thrown at a distance, from the hand of one of Harold's domestick attendants. But, whatever credit may be due to this story, which many historians relate, it is certain that the Norwegians shewed in this action a fierce and obstinate valour. Nevertheless, in the end, by a great superiority of numbers, the English prevailed. The king of Norway and Tosti were both killed in the battle, and almost their whole army was cut to pieces. Their fleet also was destroyed, all but twenty ships, which Harold permitted to return with Olaus, the son of the dead king.

V. Ord. Vit.
l. iii. p. 500.
Gemiticen.
l. vii. c. 34.

The duke of Normandy, who had been A. D. 1066. detained, by calms or contrary winds, above a month after his fleet was ready to sail, did not know what had happened in the northern parts of England. But the wind at last turning fair, he sailed from St. Vallery at the mouth of the Somme, on the eve of St. Michael, in the year one thousand and sixty six, and landed the next day at Pevensey in Suffex, without any resistance. Nothing could have happened more fortunate for him than the unexpected coincidence of the Norwegian war with his enterprize; for, by the diversion this caused, he escaped the danger of a sea-fight, in which it is very probable he might have been overcome, and the other great difficulties that he must have

V. Pictaven.
g. st. Gul. D.
Norm. apud
Dachefne,
p. 197, 198.
199.

endeavouring to depreciate the valour of the Normans, spoke of it very highly; which gave occasion to Gurth, his younger brother, to advise him, not to risk his own person against such dangerous enemies, but leave them, who had taken no oath to the duke of Normandy, and might justly draw their swords in the defence of their country, to fight a battle, in which if they should be overcome, the consequences of the defeat would be less fatal, both to him and his people. He received this counsel, which seemed to accuse him of perjury, with scorn and indignation. Nor, indeed, could he, without greatly disheartening his army, and fulying all the glory of his past life, turn his back, at such a time, on the invaders of his kingdom. As he marched towards Hastings, he was met by a monk, who came to propose to him, on the part of the duke, to determine their cause, either by the judgment of Rome, or by duel, in the sight of both their armies. The answer returned by him was, that he was advancing to fight a battle, in which God would judge between him and his adversary. It is probable that William expected no other; the intent of this message having been only to shew, that he did not desire to make war against the English nation, but purely to decide a personal quarrel, which he had with their king. Nevertheless he fired some villages in the neighbourhood of his camp; which, by irritating Harold, had the

V. Pictav. de
gest. Gul.
Ducis, p. 200,
201.
Malmfb. f. 56.

the effect he proposed, and helped to push on that valiant prince to his fate.

The two armies were now encamped very near to each other, and prepared to fight the next morning, but in a very different manner. The English passed the night in drinking and revelling: the Normans in acts of devotion. At break of day, the duke himself heard mass in publick, and received the communion. While he was arming, it happened, that his breast-plate was put on turned upside down, which some about him considering as a bad omen, he changed it into a good one, by saying with a smile, "It signified only that the strength of his dukedom should on that day be converted into the strength of a kingdom." He then hung about his neck some relicks of saints; on which Harold had sworn to assist him; and lastly, he ordered a consecrated banner, which he had received from the pope, to be carried before his army. Having thus ably made use of all the help he could draw from religion or superstition to encourage his men, he advanced against Harold, who had performed all the offices of a skilful commander, in the disposition of his forces, and in the choice of his ground. Being greatly inferior in numbers, and not having a cavalry able to engage with that of the Normans, which made five parts in six of their army, he took post on a hill, and, commanding all the horsemen he had to dismount, formed his whole

V. Pictav. de
gest. Gul.
Ducis, p. 201,
202, 203,
204.
Orderic. Vit.
l. iii. p. 500,
501, 502.
Malmsh. f. 56,
57.

V. auctores
cit. ut suprâ.

whole army into one deep phalanx of heavy-armed foot. The royal standard of England was fixed upon the spot where Battle Abbey is built; and near to that stood the king, with Gurth and Leofrine, his two brothers. Towards the enemy, the descent of the ground was steep: but the top was level, and wide enough to contain all his men in the close and compact order into which he put them, with their shields so joined together, as not to leave any interval, or opening, between them. Behind the phalanx were woods, through which they had marched to that post, and which defended their rear, extending themselves likewise so far upon the sides of the hill, as to prevent their being flankt. They were all armed with Danish battle-axes, and had also javelins or darts: but they did not make use, in this fight, either of long or cross bows, both which weapons were employed, with great skill, by the Normans. The duke of Normandy began the attack by his archers, sustained by heavy-armed foot: but a shower of darts falling on them, and great stones, which the English had prepared for that purpose, being thrown down on their heads from high scaffolds of wood, as they ascended the hill, William saw it was necessary to bring up his cavalry, in which his principal strength consisted. Advancing therefore with these, divided into five bodies, he placed the infantry in his wings, and gained the brow of the hill, where the English phalanx was stationed. Both armies

now fought hand to hand; the Normans and French with their swords, the English with their axes. After a long and sharp conflict, the Bretons and all the other auxiliary forces, both horse and foot, that were posted in the left wing of the enemy, fled. At the same instant, a rumour being spread through the line, that William was slain, the whole army of that prince fell into disorder: but, as soon as he understood from what cause it proceeded, he took off his helmet, and riding among them bare-headed, by his presence and words dispelled their fear. When they had recovered their ranks, he commanded them to surround some thousands of the English, whom the flight of his left wing, and the confusion they had seen in his whole line of battle, had tempted out to some distance from the body of their phalanx. These were all cut in pieces; and the duke, having rallied his auxiliary forces, led them back to assault the main body of the enemy, which remained on the hill, disposing his cavalry and heavy-armed foot as before, but commanding his archers, who were placed behind his wings, to shoot their arrows very high up into the air, that they might fall perpendicular upon the heads of the English. As the files of these were so deep, and prest together so closely, this annoyed them very much; and the Norman horse, pressing forwards, assaulted their front with great fury: yet such was the impenetrable firmness of the order in which they were drawn up,

Gul. Pictav.
p. 102.
See also Ord.
Vit. p. 501.

up, that all attempts to break them failed, till the duke, who observed the discouragement of his troops, had recourse to a stratagem, which what had happened before might naturally suggest. He instructed his men to feign a flight, and many of the English, believing it real, pursued them again to the plain; where they turned on a sudden, and, surrounding these disordered bands with their cavalry, killed them all to a man. We are told by an author, who was in the camp of the Normans, that the same artifice was repeated by the duke once more, and with equal success. If this be not a mistake, we must conclude from it, that Harold was very incautious, to be drawn into the same snare a second time, or rather a third, (for though the first flight of the enemy was not a feigned one, yet the pursuit had been equally fatal to the English;) or, if the fault was not in him, but arose from an eagerness which he could not restrain, it proves that his discipline was much inferior to that of the duke. His remaining himself, the whole time, upon the summit of the hill, together with his two brothers, makes it most probable, that he was aware of the danger, and would have prevented his soldiers from being deceived by this feint, if it had been in his power. The loss he sustained by it was grievous. His forces, which the enemy had much outnumbered before, were now extremely diminished; yet the remainder of them kept their ranks unbroken, animated by the presence and example

ample of their king, who fought on foot the whole day, and slew many of the Normans with his own hand. Nor did the duke of Normandy expose himself less to all danger, but had three horses killed under him, in the course of the action. His soldiers, incited by the courage of their leader, fatigued the English with frequent, pertinacious attacks, and galled them with continual showers of arrows; all which they sustained with an invincible patience, fixed immovably to the spot whereon they were posted. Nor yet could the duke, with all the efforts he caused his troops to make, dissolve their phalanx; so that the victory remained undecided from nine in the morning even till the close of the day, when Harold was killed by the random flight of an arrow, which, not being shot, like the rest, up into the air, but in a lower and more oblique direction, pierced the ball of his eye, and penetrated from thence into his brain. The hearts of the English now sunk: they began immediately to give way in several places: the Norman cavalry, rushing in through the breaches of the phalanx, made a great slaughter of those who stood within it: the brothers of Harold both fell: the royal standard was taken. After these losses, the whole army, entirely routed and dissipated, fled into the woods that lay behind them: the Normans pursued them; but not even in their flight did they lose all their courage: for, having got into a valley, which was full of

deep ditches, they bravely made a new stand. There had been formerly, in that place, a camp, well known to them, but not to the enemy: and the entrenchments being covered with shrubs and bushes, many of the Norman horse, pressing onwards, in the ardour of pursuit, fell headlong into them, while many others were killed by the hands of the English.

V. Ord. Vit. If we may believe a contemporary writer, who
p. 501, 502. heard it from some who were present, they lost in this valley near fifteen thousand men: but it is more probable that this number included the loss they had sustained in the battle. Some Norman barons of great note were slain in this action; and the earl of Boulogne was dangerously wounded by a blow with a stone, while he was earnestly entreating the duke to retire, and not hazard his person against desperate men, whom the nature of the place so much assisted: but that intrepid prince, neither regarding the counsel, nor the alarming example of the person who gave it, continued the combat, till he had driven them out of this strong ground, and completed his victory.

Thus ended the memorable battle of Hastings, in which the English, though defeated, shewed at least as much valour, as those by whom they were vanquished, but less expertness in the discipline and art of war. Yet their worst defect seems to have been the want of a cavalry equal to that of the Normans. It was their great inferiority in this respect which

made their pursuit of a flying enemy fatal to themselves. Nevertheless, neither the loss they had suffered in this action, nor even the death of their king, would have finished the war, if they could have agreed under whose standard they should endeavour to maintain it: for we are assured, by a contemporary writer, V. Pictaven. gest. Gul. Ducis, apud Duchesne, p. 201. sect. 2. that they had a fleet of seven hundred ships of war, actually cruising along the coast between Peversey and Hastings, and masters of the sea, while the navy of the duke was shut up in those harbours. It was therefore very difficult for that prince to receive any reinforcements or supplies; and his victory itself had considerably diminished his army. How many of his navy were ships of war we are not well informed, but, from the care he took to defend it by fortifications, one may reasonably presume that the strength of it, at least at this time, when he could not spare any number of his land-forces to man it, was not sufficient to contend with that of the English. Winter was approaching; the Normans had no magazines; and consequently, had the war been protracted till that season, the means of procuring subsistence for themselves and their horses, in an enemy's country, could not easily have been found. As the greater part of Harold's army had been composed of stipendiary and mercenary soldiers, the main strength of the nation, the provincial militia, was still almost entire. V. Malmsh. de gest. Reg. Angl. l. iii. c. 53. But, to use that strength with effect, another leader was wanting, and one able to revive the

V. Malmfb.
de Will. I.
l. iii. f. 57. &
59.

spirits of the people. This might possibly have been done either by Edwin, or by Morcar. Those earls had not accompanied Harold to Hastings, having been left, by his orders, to bring to London the booty taken from the Norwegians. As soon as they heard of his death, they aspired to the crown: but, finding the nobility more inclined to elect Edgar Atheling, they were so disgusted, that they presently afterwards withdrew from London, and went into Northumberland; proposing to act, in that country, as future events should direct them. Indeed, it is strange, that in such an emergency, one of these two potent noblemen should not have been chosen to supply the loss of Harold, rather than Edgar Atheling; every reason, which before had determined the nation to deny the crown to the latter, urging them now, still more forcibly, to give it to one of years and abilities equal to the weight of it, and who had courage to defend it in the most perilous circumstances. But neither of the brothers, nor any other of the English nobility, was so superior to the rest in the lustre of his family, in the strength of his alliances, or in the fame of his exploits, as Harold had been: and therefore the pride and emulation of others would not yield to the exaltation of any one of the greatest above his peers. This produced a disposition in favor of Edgar, who alone had any claim of hereditary right. And they could hardly have taken a better part, if, at the same time, they had appointed a proper
guar-

guardian, or *protector*, to assist him in the government during his nonage: for, in order to resist such an enemy, as then was triumphant in the midst of their country, a delegation at least of the royal authority to some person more mature in age and capacity was undoubtedly necessary: but it does not appear that this expedient, to which they had not been accustomed, was ever proposed. Most of the bishops now began to avow an inclination to receive the duke of Normandy, whose pretensions had been graced with the approbation of the pope; and the temporal lords, being disabled, by this unhappy dissension, from supporting the choice which they had hastily made, were doubtful and fluctuating in all their measures. Little time to deliberate was allowed them by the duke. Very soon after his victory over Harold, he besieged Dover castle, in order to facilitate a communication with France and Flanders, as well as to provide against any change of fortune, by leaving behind him no fortrefs which could obstruct his retreat. The place was crowded with soldiers; but such consternation had seized them, that they surrendered it to him without resistance; and, when he had taken it, he added to its fortifications such works as he thought wanting. This detained him eight days, during which a dysentery, produced by an intemperate use of the meat and water there, destroyed many of his soldiers, and a greater number was left sick at his departure from

V. Malmsh.
l. iii. f. 57.

V. Pictaven.
gest. Gul. G.
Norm. p. 204,
205.
Order. Vital.
subann. 1066.

thence, which he would not delay any longer, as he well knew the necessity of following closely the blow he had given, and attacking the capital before it had leisure to recover from its terror. Not far from Dover he was met by the principal inhabitants of the county of Kent, who swore fealty to him, and gave him hostages. No obstacle therefore remaining, he pursued his march towards London, with the greatest expedition; but was seized on his way with a violent fit of sickness. His friends were much alarmed: yet, fearing that his army might be ill supplied with provisions in the place where he sickened, and that any stop at this time would greatly hurt his affairs, infirm as he was he went on, till he came within a little distance from London. A vast number of soldiers had repaired to that city, after the battle of Hastings, from all parts of England, who, together with the citizens and the nobility assembled there, might have long defended it, and have given time to the rest of their countrymen to arm and recover their spirits: but such was the impression which the death of their king, and the discomfiture of his army, had made on their minds, that a very numerous body of them, which had sallied out from the suburbs, to attack an advanced party of five hundred Norman horse, was repulsed with great loss; and all the buildings on that side of the river were burnt. After this action, the duke, finding no enemy to oppose him, proceeded along the southern banks of the

V. Pictaven.
gest. G. D.
ut supra.

the Thames as high as to Wallingford, and passing over it there turned eastwards, with an intention to march through Middlesex, and assault London on that side, which was not secured by the river. Stigand archbishop of Canterbury, being averse to the Normans, and excommunicated by the pope, had concurred with the nobility in their desire of placing Edgar Atheling on the throne, against the will of his brethren: but, seeing no longer any hope of supporting that election, he went and renounced it, by submitting himself to William; which example was soon followed by all the temporal lords associated with him: V. Ord. Vital. and when the duke came in sight of London, l. iii. p. 503. the chief inhabitants of that city surrendered sub ann. 1066. it to him, and gave him the hostages he required to secure their fidelity. Lastly, Edgar himself, finding in his mind no resources against the ill state of his fortune, delivered up to William his person and kingdom. Thus ended the government of the Saxons in England, two hundred and thirty seven years after the uniting of the heptarchy, and six hundred and seventeen after the landing of Hengist and Horsa, their first leaders or princes.

William received Edgar Atheling with the fairest appearances of regard and affection; and so far was he from grounding his own title to the crown upon a supposed *right of conquest*, that he used his utmost endeavours to establish the notion of his being *heir to King Edward*,

from the appointment of that monarch. The English nobles and prelates who had reconciled themselves to him, and the chief citizens of London, adopting this notion, entreated him to be crowned without delay; which, at first, he seemed to decline, objecting, that peace was not yet settled, and declaring, *that he desired the tranquillity of the kingdom more than the crown:* words very different from the language of a conqueror, and proper to allay the fears of those, who dreaded the violence of a military government. But considering afterwards, that, in consequence of his being crowned king, all persons would be more afraid of rebelling against him, and more easily crushed if they did, he yielded to the importunities of the English and Normans, and was crowned in Westminster-abbey on Christmas-day of the year one thousand and sixty-six, not without the appearance and form of an election, or free acknowledgement of his claim: for the archbishop of York and the bishop of Coutance, who officiated in the ceremony, separately demanded of the nobility, prelates, and people of both nations, who were present and assisting, *whether they consented that he should reign over them?* and, with joyful acclamations, they answered, that *they did.* Before he ascended the throne, he made a compact with his new subjects, by his coronation oath, the same with that of the Saxon kings. Nor did he immediately violate this solemn engagement: but dispensed to all impartial justice, and even conferred

V. Pictav.
gest. Gul.
Ducis, p. 205.

A. D. 1066.

Pictav. p. 205,
206.

Orderic. Vit.

l. iii, p. 593.

V. Pictav. et

Orderic. Vit.

sub ann. 1067.

Libr. Elien.

Bibl. Cotton.

Claudius, 2,

3. Flor. Wi-

gorn. p. 635.

ferred great favors on the English, till some, who had not yet submitted to his government, particularly Edwin and Morcar, whose power he feared the most, voluntarily came in, and paid him obedience. He also encouraged intermarriages between the Normans and English; and seemed to wish to make them one people. So that, although he had really no right to the crown when he first claimed it, he may be said to have acquired one, after the death of Harold, from the consent of the nation, given chearfully, and with marks of mutual kindness and affection between him and his subjects. Indeed he soon afterwards confiscated the estates of all the English who had fought against him at Hastings, and gave them to the Normans or other foreigners in his service; an act of injustice, but coloured with the specious pretence of a legal proceeding; Harold's election being called *usurpation*, and his adherents accounted *rebels* to William *their sovereign*: which opinion, however groundless, was then wisely taken up and admitted by the nation, that England might appear to be governed by this prince under the fair and peaceful title of a lawful succession, and not under one so destructive to all liberty as that of *conquest*. Nor were the forfeitures due to him for this supposed treason, or any other penalties incurred by the guilt of it in the sense of the law, extended any further, at the beginning of his reign, than to those who had actually opposed him in arms. This was all the indulgence

gence he could shew to the English without passing a general act of grace and oblivion; from which he was hindered by the promise he had made to all the chiefs of his army, that he would, if victorious, reward their services in this war with lands and honors in England. These confiscations enabled him to perform that promise in part; but many more were still wanting, to satisfy the demands of such a number of foreigners, as, not being willing to rely upon the English, he thought it necessary to retain in the kingdom, for the support of his power. That want was supplied by several insurrections and conspiracies against his government, to which the nobility of England were afterwards driven by the iniquity of his ministers, whose guilt he took on himself by paying no regard to the just complaints of his subjects.

See Hen. of
Huntingdon
in fine Gul. I.
Orderic. Vit.
l. iv. sub ann.
1067. et l. vii.
p. 659.

V. Ord. Vit.
sub ann. 1067,
1068, 1069.

The spirit of the English was yet unconquered. Though they had submitted to the government of a foreigner, they would not endure the yoke of a tyrant. But their attempts to recover their liberty were tumultuary, and void of counsel or union, ill concerted, ill timed, and weakly managed. The king, on the contrary, was vigilant, prudent, well served by his officers, yet continually attending to his business himself, indefatigable in labour, serene in danger, and as formidable by his policy as by his arms. There is no method to render a tyranny secure and strong which he did not put in practice, establishing garrisons of

of foreign troops in all parts of the country, bridling the towns with forts and castles, gaining to his side the bravest of his enemies by pardons and favors, if they would submit to his despotism; and destroying the rest, without mercy; sometimes employing the most generous clemency, sometimes the most terrible and barbarous cruelty, as he thought they would best conduce to serve his ends.

In the second year of this reign Edgar Atheling was persuaded to fly into Scotland, where he was received with cordial friendship by Malcolm Canmore, who soon afterwards married the lady Margaret, his sister, and, in concert with the English, endeavoured to place him on the throne of his ancestors. He was also aided by troops, which his party obtained for him from Sueno the Second, king of Denmark. But this confederacy served only to increase the calamities of the miserable English, who exasperated a tyranny they could not subdue: all their efforts were baffled; and Malcolm, being afraid that he might lose his own kingdom, was forced to sue for a peace, and do homage to William. Edgar, who was of a temper which felt more uneasiness in contending with adversity than submitting to a meanness, entered again into a treaty with that monarch, or (as some authors say) yielded himself up without conditions: but it is more probable that he had at least an assurance of a pardon. William received him with kindness, thinking him rather an object of pity and contempt,

See Malmfb.
l. iii. de W. I.
f. 58.
Florent. Wi-
gorn. sub ann.
1068 et 1073.
S. Dunelm.
sub ann. 1070
et 1073.

V. Ord. Vit. tempt, than of vengeance or fear. But he did
 l. iv. sub ann. not act in the same manner with Edwin and
 1068 et 1070. Morcar.

To the former of these earls he had promised to give one of his daughters in marriage, when first the two brothers capitulated with him. Yet though, by performing that promise, he would have endeared himself greatly to the English, and promoted an union between them and the Normans, which ought to have been the principal object of his policy, he broke his word. Provoked at this, and at the wrongs and complaints of their countrymen, they made some motions towards a revolt, in the year one thousand and sixty-eight: but they acted too hastily: for the foreign succours, they expected, not being ready to join them, and William advancing upon them, they laid down their arms; in consequence of which he was seemingly reconciled to them, and they were continued in their earldoms. He knew better when to pardon than they did when to rebel. The next year there was a great insurrection of the English, strengthened by the assistance of Scotland and Denmark. Gratitude to the king for his late clemency to them prevented Edwin and Morcar from taking any part in this revolt; which if they had done, it might have turned the scale against him. Such a conduct, they flattered themselves, would gain his affection: but it is hard to remove the jealousy of a tyrant; and they who are the objects of it can never be safe, unless by dethroning him, or leaving his kingdom.

dom. Morcar, finding himself suspected, and fearing imprisonment, retired for safety to the isle of Ely, which the king having besieged, he surrendered himself to him, upon assurances of good treatment from some who were commissioned to negotiate with him: but in breach of that promise he was thrown into prison. His brother Edwin, having in vain implored the aid of the Welsh and the Scotch, as well as of the now-dispirited English, and no longer hoping to continue with safety in England, endeavoured to escape into Scotland, but was killed in his flight by the perfidious hands of three of his most intimate and trusted friends. His character was so amiable, that the Normans themselves bewailed his death; and when the traitors who murdered him, expecting a great reward, brought his head to the king, he wept, as Cæsar did over Pompey's, and instantly banished them from his realm. Morcar remained in strict custody, till a death-bed repentance, taking off the gloss which policy had thrown upon injustice and perfidy, induced the king to set him free. But as soon as that monarch was dead, and William Rufus returned to England, the latter thought it expedient to deprive him again of his liberty, for fear the English should incline to make him their sovereign; and it does not appear that he was ever released from that confinement.

The Englishman, whom William the First most confided in and favoured, was Waltheoff, eldest

Malmfb. de
W. I. l. iii.
f. 58, 59.

eldest son to Siward earl of Northumberland, famous for his victory over the tyrant of Scotland, Macbeth. This nobleman had performed such extraordinary actions of valour, in defending the castle of York besieged by the Normans, that the king's anger against the rebel was changed into esteem and affection for the soldier; insomuch that, being desirous to attach him to his service, he not only pardoned him, but gave him in marriage the lady Judith, his niece, and with her the two earldoms of Huntingdon and Northampton, besides that of Northumberland, which his father had enjoyed. Yet, after having received all these favors, the highest that a prince could confer on a subject, he was involved in a conspiracy with Radulph de Guader, earl of Norfolk and Suffolk, and Roger earl of Hereford, who, upon some discontent against the king, of which we have not a clear account, plotted together to dethrone him, in the ninth year of his reign, while he was detained out of England by his foreign affairs. According to most of our historians, Waltheoff was drawn in, to consent to this rebellion, when he was heated with wine, in the riot of a feast, which the earl of Hereford made on the marriage of his sister with Radulph de Guader. But they would hardly have ventured to open themselves, with so unguarded a freedom, to one whom the strongest obligations of alliance and gratitude bound so fast to the king, if they had not before been well assured of his disposition

V. Flor. Wi-
gorn. S. Du-
nelm. et Ho-
veden, sub
ann. 1074,
1075. et
Malmfb. ut
suprà.

fition to join them : which makes me believe what is affirmed by Henry of Huntingdon, that the counsels of Waltheoff induced the earl of Norfolk to this rash undertaking. From what motives he gave those counsels it is hard to conceive ; unless a passionate desire of freeing his country from the tyranny it groaned under overcame in his mind the sense of all other duties, how sacred soever, and even all restraints of prudence. But that heroic enthusiasm, if he was possessed with it, lost its power over his mind before the conspiracy was ripe for execution. Whether he feared that some of the company, in whose presence it had been too indiscreetly divulged, should betray it to William, or whether he was really struck with remorse, he went and discovered it to Lanfranc archbishop of Canterbury, who exhorted him to go immediately to the king, and impeach the conspirators. He did so, but concealed from him his own consent to the treason. In the mean while, his confederates, finding themselves detected, took up arms in their counties : but this hasty rising was subdued, without any difficulty, by the king's ministers, in his absence. When that prince returned into England, he received information of the share that Earl Waltheoff had in the conspiracy, whereupon he ordered him to be arrested. Radulph de Guader had escaped by flying out of the kingdom : but the earl of Hereford was condemned to perpetual imprisonment ; the memory of his father, William's

V. H. Huntingd. l. vii. f. 211. Wil. Reg. ann. 9.

Vid. auctores citatos ut supra, et Chron. Sax. sub ann. 1075. Ord. Vit. l. iv. sub ann. 1073.

William's favourite servant, saving him from a worse punishment, which the other conspirators suffered by sentence of law. The king seemed disposed even to grant him his liberty after a short confinement, and, as a mark of his kindness, sent him a rich present of garments from his own wardrobe: but he threw them into the fire: upon which the angry monarch swore that he would never release him, and kept his oath. Waltheoff was beheaded, notwithstanding the merit of the discovery he had made. Some authors tell us, that his wife, being grown weary of him, was the cause of his death, by giving an evidence to her uncle which aggravated his fault. The treason he had committed was alledged as an argument for excluding all his countrymen from any offices of power or trust: though the earl of Hereford's perfidy would have been as good a reason for excluding all Normans. Earl Coxo, an Englishman, had been so faithful to William, that he was murdered by the hands of some of his own vassals, because he would not join with them in taking up arms against the government; and in the third year of that king, when the sons of Harold, with forces from Denmark and Ireland, had landed in England, they were vigorously opposed by an army of English, under the conduct of Ednoth, who had been master of the horse to their father, and who lost his life in the action. William was also served very faithfully by that people, in some foreign wars, which I shall say

V. Malmsh.
ut suprà.

Idem, l. iii.
de W. l. f. 58.
59.

say more of hereafter. It must however be confessed, that Waltheoff's ingratitude might naturally suggest to that prince more caution and diffidence, with respect to their nobility; though it cannot justify his withdrawing from them all favor and trust in the government of their country.

Eustace earl of Boulogne, who had fought Ord. Vit. l. iv. sub ann. 1067. under his orders at the battle of Hastings, quarrelled with him soon afterwards, and attempted to surprize Dover castle, in concert with the English of the county of Kent, who, having been the first to submit to his government, were also the first to resist his tyranny. But the enterprize failed, and he was easily reconciled to the earl of Boulogne, whose enmity might have proved troublesome, and dangerous to him, had it continued: that town being very commodiously situated to assist insurrections in Kent and other counties adjacent to London, while his arms were employed, as they often were, in the north. And if, by the encouragement of such a foreign aid, the capital had revolted, he would have found it difficult to prevent a general defection of the whole nation. Sensible of this he governed that city with a gentle hand, endeavoured to gain the affections of the citizens, and granted a charter, confirming to them the benefit of their ancient immunities, customs, and laws, with a promise of his royal protection; which had so good an effect, that they

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never would engage in any rebellion or treason against him, but by their fidelity contributed greatly to the maintenance of his government.

See Malmsh.
de W. I. l. iii.
f. 59, 60.
See also Pon-
tan. Hist.
Dan.

The enemy of whose power he seemed to be most afraid, and who indeed, if he had executed the schemes he had formed, might have shaken his throne, was Canute the Fourth, king of Denmark. This prince, having succeeded to Harold his brother in the year one thousand and eighty, and being of a warm and enterprizing spirit, resolved to attempt the recovery of the kingdom of England, which he claimed by right of inheritance from Canute the Great. During the whole reign of Edward the Confessor, Denmark had been so agitated with intestine dissensions, that its sovereigns had no leisure to think of this island. It has been mentioned before, that, upon the first alarm of the Norman invasion, Sueno the Second assisted Harold with a body of troops; which shews that he had then no design of pursuing the claim of his predecessors; and though, when the English took up arms against William, he sent a great force to join the malecontents, it does not appear that he had any other purpose, than to revenge the death of Harold, his relation and friend; for all his confederates, both English and Scotch, unanimously intended to set the crown of England on the head of Edgar Atheling; but, whatever his view might be, he was very ill served by the generals he employed in

in this expedition, and also in another, posterior to this; both enterprizes having been defeated, not by the steel, but the gold of William, who corrupted the leaders. Canute, the son of Sueno, had served therein as a volunteer, though he was then too young for the chief command. As he knew that the English were exceedingly discontented, and could no longer retain their attachment to Edgar Atheling, who had so meanly given up his pretensions, he flattered himself, and perhaps was assured by a secret intelligence with many among them, that they would submit to his government, if, being now king of Denmark, he would assist them to shake off the tyranny of the Normans. He was also stimulated to this attempt by Robert earl of Flanders, surnamed Le Frison, whose daughter he had married, and who, though brother in law to William, desired his destruction. The cause of so bitter enmity between them was this. Robert was the second son of Baldwin the Fifth, and during his father's life had acquired the government of the earldom of Friesland, which then comprehended the provinces of Holland and Zealand, by marrying the widow of the last earl: but the elder son, who had succeeded to Baldwin in Flanders, and was the sixth earl of that name, made war upon Robert, either out of ambition to annex those contiguous dominions to his own, or instigated by a personal rancour against him: in which unnatural quarrel being defeated and slain, he

See Lambert,
Scheffnab. de
Rebus
Germanic.
Malmsh. l. iii.
f. 59.

left two minor sons, whom he had by his will recommended to the care of Philip, king of France, his cousin german, and of William Fitz-osborn, earl of Hereford. This nobleman was of a family allied to the dukes of Normandy, and of a spirit as courageous as that of his master, having been the first of his counsellors who advised him to pursue his claim upon England, and the man to whose assistance he was chiefly obliged for his success in that attempt. These services were rewarded with the earldom of Hereford, the Isle of Wight, and the first place in the administration of England and Normandy: but he now entertained still higher views of ambition, proposing to marry the widow of Baldwin the Sixth, who was, in her own right, countess of Hainault. Fired with that hope, he most willingly undertook the defence of her son, the young earl of Flanders, against his uncle, who, being assisted by a league with the emperor, and by a considerable faction of the Flemings themselves, had invaded that earldom. But, exposing himself too incautiously, he fell into an ambush, and, after having fought very bravely, was killed in the action, together with the prince he came to aid. His death was a most sensible grief to his master, who loved him from the sympathy that there was in their minds, being too great himself to take umbrage at the greatness of a servant, in whom he had always found gratitude, fidelity, and obedience: but the English were glad; for of them

Malmsh. de

W. I. l. iii.

f. 59.

Flor. Wigorn.

subann. 1071.

Orderic. Vit.

l. iv. p. 526.

them he had been a very cruel oppressor, acting in his office of Justiciary of England, especially when the king was out of the realm, more like a general giving laws to the conquered, than a chief magistrate administering justice to his fellow subjects. They now had the consolation to see this great instrument of tyrannical power cut off at once in all the pride of his fortune; which soothed their resentments, and looked as if divine vengeance had done them that justice they could not obtain for themselves. The king of France, who had concurred with the countess of Hainault in calling Fitz-osborn to assist the earl of Flanders, his ward, upon their being thus slain together, was persuaded by Robert, an artful man, to marry his daughter in law Bertha, and confirm him in the possession of the earldom of Flanders. The countess, who saw her surviving son made a sacrifice to this agreement, implored the protection of William; whose magnanimity, which in this instance he seems to have chiefly consulted, prevailed with him to espouse the cause of his nephew. Robert, out of revenge, and to secure himself thoroughly against that king, instigated his son in law, Canute, to attack him in England, offering to support the attempt with the whole strength of his powerful earldoms. Nothing could be more agreeable to Canute's ambition than such a proposal. Measures being accordingly concerted between them, the Danish monarch provided a fleet of above

Ord. Vit. l. iv.
p. 507, 508.
536.
Huntingd. in
fine Gul. I.

A. D. 1085.

Malmsh. de
W. I. l. iii.
f. 60.

a thousand ships, to which his confederate was able to join six hundred more. It does not appear what number of troops they intended to embark, nor how many of their vessels were ships of war: but William was so alarmed at their enterprize, that, in addition to the military force of his kingdom, he hired foreign mercenaries from all parts of Europe, as far even as Spain, and brought a vast army of them over into England, to defend him against this formidable, intended invasion. He had indeed sufficient reason to expect the revolt of many of his subjects, especially those of Danish race; nor could he be certain that they would not be assisted by the Welsh and the Scotch. But he was delivered from the danger he so much apprehended, by civil disturbances arising in Denmark, which in the following year, one thousand and eighty six, occasioned the murder of Canute, who fell a victim to the desire he had shewn, with more zeal than discretion, of forcing his people to the payment of tythes, and was on that account reputed a martyr, supposed to work miracles, and canonized by Rome. William of Malmesbury says, that he had imposed heavy fines on some of his nobles, because he suspected their wives of having by witchcraft raised contrary winds and storms, to prevent his fleet from sailing to England, and had sent his brother Olaus a prisoner to Flanders on the same charge. The superstition of the country and the character of the man render this very credible: and the inscription found

Ingulph. p.
79.

See Elnoth.
de vitâ Can-
nut.
A. D. 1086.
V. Torfæum,
Crantfium,
Pontanum,
Hist. Dan

See Malmfb.
l. iii. de gest.
R. A. f. 60.

found on his tomb at Odenfee, in the year fifteen hundred and eighty two, ascribes his murder to *his zeal for the Christian religion and love of justice*; by which, undoubtedly, his dispute with his subjects upon the business of tythes, and vehement pursuit of that point against their opposition, must be understood to be meant; with, perhaps, some allusion also to these prosecutions.

Among the many grievances complained of in the reign of William the First, none gave more uneasiness than the inhuman severity of his forest laws. It was some excuse for other hard and unpopular acts, that they appeared to be necessary for the support of his government, or had at least a political expediency in them; but by this he disgusted the English and even the Norman gentry, besides oppressing the people, and impoverishing the country, without any benefit to himself. He ought to have known that men are often more irritated by an ungracious restraint on their pleasures, especially those which custom has rendered almost necessary to them, than by greater oppressions in more weighty matters; and that the most politic princes have been particularly desirous of employing their people in sports and amusements, with a view to take off their thoughts from prying too closely into the government, or gloomily brooding over their own discontents. This was a caution very proper in his situation, and his having paid no regard to it seems to have been a con-

siderable error in judgement : or rather it is a proof that his passion for hunting, which was his favourite pleasure, over-powered his reason. Nor was he satisfied with having thus confined to himself the vast tracts of forest that he found in this kingdom ; but, to make a new one in Hampshire, laid waste a country of above thirty miles in extent, drove out all the inhabitants, and destroyed all their dwellings, not sparing even the churches, as much as he affected a respect for religion : one of the most horrible acts of wanton cruelty recorded in history, if it was done for his pleasure only ; and there is no warrant in any ancient author for the conjecture of some modern writers, that he did it to facilitate the landing of forces which he might have occasion to bring over from Normandy, by thus disabling the English from collecting together or maintaining any on that coast. But even admitting this to have been his motive, and not (as I rather believe) that the new forest lay convenient for his palace at Winchester, it was the policy of a barbarous tyrant, not of a wise or good king. Great part of Yorkshire, and all the counties belonging to England, north of the Humber, he also laid waste ; that the Danes or the Scotch invading those parts of his kingdom might find no subsistence ; and to punish the people for their disaffection to his government, without regarding what numbers of innocent persons would be involved with the offenders in that destruction. We are told, even by one

See Malmsh.
l. iii. f. 62.
Flor. Wigorn.
sub ann. 1100.

See Polydore
Vergil, and
Selden.

one of the Norman historians, who speaks of it with horror, that above a hundred thousand men, women, and children, perished by famine in these ruined counties. The desolation was such, that for above sixty miles, where, before, there had been many large and flourishing towns, besides a great number of villages, and fine country seats, not a single hamlet was to be seen! the whole land was uncultivated, and remained in that state even till the reign of king Henry the Second! so that Attila himself did not more justly deserve to be named *the Scourge of God* than this merciless Norman. Indeed neither that Hun, nor any other destroyer of nations, ever made worse devastations in an enemy's country, than he did in his own.

See Ord. Vit.
l. iv. p. 514.
515.
See also Hoveden, f. 258,
259. sub ann.
1069. et Ingulph. p. 79.
See Malmsh.
l. iii. de W. I.
f. 58.

It is a remarkable thing, that none of the Normans, except a few who conspired with Roger earl of Hereford and Radulph de Guader, should have expressed the least discontent against the arbitrary proceedings of this haughty prince, which in several instances were no less inconsistent with their own native rights and liberties, than with those of the English. Certainly they were a people unaccustomed to despotism, and not of a temper inclined to submit to it: but several reasons may be given to account for that patience. Under a government not fully settled, and maintaining itself more by the sword than the laws, necessity of state seems to require and to justify extraordinary acts of power, and to take

take off those restraints from the royal authority, which calmer seasons admit. The Normans knew this; and they also knew that the English, the Scotch, and the Danes, were ready to avail themselves of any dissension between them and their sovereign. They had likewise particular motives of interest, which bent their minds to more complaisance than was natural to them, and softened the stubbornness of the spirit of liberty. For, as the lands that were taken from the English were given by the king to the foreigners in his service, not all at once, but at many different times, as the forfeitures were incurred, and in such proportions to each as he pleased, the desire of profiting more and more by his favour kept them under the yoke of a continued dependence. And to these checks upon them was added that awful respect for his person, which his illustrious actions and fortune inspired. The Macedonians themselves grew servile to Alexander upon the throne of Darius. Thus the Normans revered in the conqueror of Harold, and the monarch of England, that glory and greatness, which their own arms had enabled him to acquire. He appeared so fit to command, that they would not dispute under what limitations they were bound to obey. But though they acquiesced under a present excess of the royal prerogative, they took effectual care that their rights should obtain a legal establishment. A distinction is to be

be made between the *government* of William
 the First, which was very tyrannical, and the
constitution established under him in this king-
 dom, which was no absolute monarchy, but
 an ingraftment of the feudal tenures and other
 customs of Normandy upon the ancient Saxon
 laws of Edward the Confessor. He more
 than once swore to maintain those laws, and
 in the fourth year of his reign confirmed
 them in parliament: yet not without great
 alterations, to which the whole legislature
 agreed, by a more compleat introduction of
 the strict feudal law, as it was practised
 in Normandy; which produced a different
 political system, and changed both power and
 property in many respects; though the first
 principles of that law, and general notions of
 it, had been in use among the English some
 ages before. But that the liberty of the sub-
 ject was not so destroyed by these alterations,
 as some writers have supposed, plainly appears
 by the very statutes that William enacted,
 in one of which we find an express decla-
 ration, "That all the freemen in his king-
 dom should hold and enjoy their lands and
 possessions free from all unjust exaction and
 from all tallage; so that nothing should
 be exacted or taken of them but their free
 service, which they by right owed to the
 crown, and were bound to perform." It is
 further said, "That this was ordained and
 granted to them as an hereditary right for
 ever, by the common council of the kingdom:"
 which

See Wilkinſſi
 Leg. Gul.
 Conqueſt. 63.
 et Gervafe . .
 Tilbur. Dial.
 de Scaccario,
 c. xvi.

See Matt. Pa-
 ris in vitâ
 Frether. Cor-
 nobitz.
 Ingulph. in
 fine Hiſt.
 Chron. Litch-
 field.
 Selden's
 notes to
 Eadmerus,
 p. 171.
 Saxon-Chron.
 ſubann. 1085.

Leg. G. I. 55.
 V. Append.
 p. 464-476.

which very remarkable statute is justly styled by a learned author, Nathanael Bacon, *the first Magna Charta of the Normans*. And it extended no less to the *English* than to the *Normans*. But it was ill observed by William, who frequently acted as if his will had been the only law to both nations. It must be also allowed, that by the interposition of many *Mesne Lords* between the crown and the people, and by many offices of judicature and military command being rendered hereditary, which under the Saxons had been either elective, or granted for a short term, the constitution became more aristocratical than before, more unequally balanced, and in some respects more oppressive to the inferior orders of freemen. Nor was the condition of the nobles themselves to be envied. For there were certain burthens annexed to this system of fiefs, which, as they naturally grew out of that policy, were imposed on the highest vassals as well as on the lowest, and were more grievous than any that the Saxons had borne under their constitution. Of what nature these were, and under what regulations they were afterwards laid, to prevent the abuse of them, I shall have occasions to shew more fully, during the course of this work.

See Matth.
Paris, sub ann.
1070. p. 5.

The lands of the bishops and greater abbots, which had been held before in *Frank-almoigne*, or free alms, were, by the authority of the whole legislature, in the reign of this prince,

prince, declared to be *baronies*, and bound to the same obligations of homage and military service, as the civil tenures of the like nature, agreeably to the practice in Normandy and in France. Such a resolute opposition was made to this act by some of the English abbots, that they were driven out of the realm by the king on that account. And indeed, if he had exempted these lands from the policy, to which he subjected other baronial possessions, it would have exceedingly diminished the strength of his kingdom. But there was another alteration, which, though it was made with the concurrence of parliament, essentially hurt the commonwealth: I mean the separating of the civil and ecclesiastical jurisdictions, which the Saxon bishops and earls had exercised jointly in the county courts, by giving the bishops a court of their own, for the sole trial of spiritual matters by the episcopal laws. Though this was done under a specious pretence of reformation, and for the avoiding of confusion, it proved in its consequences a great cause of the corruption of the clergy, and of the advancement of their power beyond its due bounds: for, besides the partiality with which they proceeded, on being thus left to themselves, they soon extended their judicature much farther than the legislature designed, including many causes, that in their own nature were purely civil, under the notion of spiritual matters, or (as the statute

See also Sel-
den's notes to
Eadmerus.

Vid. Chartam
Gul. I. Con-
cil. M. Brit.
t. i. p. 368.

369.

statute terms it) *cases belonging to the government of souls.*

The king had indeed reformed the episcopal laws, with the advice of his parliament, as the same statute declares ; and by those laws so reformed the spiritual court was to judge : but the pope, not the king, was really sovereign there ; and in process of time it came to pass, that whatever canons he authorised, the bishops received, and proceeded upon them, in this their new jurisdiction : which could never have happened, if they had continued as formerly in the lay courts. The only remedy against these abuses was the right of prohibitions and appeals to the crown : but that also was soon disputed by the clergy. In all probability, the spiritual court had been before established in Normandy ; and this was a sufficient motive to the king for introducing it into England : it being his constant endeavour, partly from policy and partly from prejudice, to bring the whole constitution to as near a conformity as he could with the Norman.

Nor was this the only instance, in which his proceedings, with relation to the government of the church in this kingdom, deserve to be censured. After he had depressed and almost destroyed the English nobility, he thought his despotism not compleat, while the archbishop of Canterbury and other English bishops remained in their sees : to deprive them of which, and fill up the vacancies with foreigners

See Eadm.
hist. nov.
p. 29.
Ingulph.
Dunelm.
Append.
p. 476.

foreigners devoted to his will, he had recourse to the pope; and invited over three legates, to be the ministers of this alteration: for, without the colour and aid of the papal power, he was afraid to offend the clergy of England. Alexander the Second was glad to take this occasion of bringing that church into a state of subjection to the see of Rome, from which it had hitherto preserved itself free beyond mere compliments and forms of respect. The legates therefore had orders to serve him according to his wishes; and, none daring to dispute what he agreed to, they were permitted to exercise such an authority and jurisdiction in England, as never had been granted to any before. In return, they performed their commission so entirely to his satisfaction, that, upon various pretences, with more regard to his interests and those of Rome, than to justice and law, they deposed Stigand archbishop of Canterbury, and all the other English bishops, of whom he was jealous; leaving hardly any but Normans and foreigners, lately promoted by himself, or who had been advanced by the Norman faction in king Edward's reign. Several English abbots were also deprived of their abbeys in the same manner, and apparently for the same end.

Thus did a confederacy of two usurping powers oppress the rights of the English church, which, no less for the sake of the crown than of the clergy, William would have strongly maintained, if he had not been seduced

Ord. Vital.
Brompt. et
Hoveden, sub
ann. 1070.

See Eadm.
Præfat. p. 2.
Selden's not.
ad Eadm. hist.
nov. p. 6.

See Epist.
Greg. VII.
epist. xxv.
l. 9. 3. 12.

seduced by the present subserviency of the papal authority to his own particular views and interests. For he knew how to resist it upon other occasions. Notwithstanding the violence with which Gregory the Seventh opposed investitures given by princes to bishops and abbots, he supported the ancient rights of his crown in that point, and all other prerogatives in ecclesiastical matters, which his predecessors in Normandy had enjoyed, with an inflexible firmness; though he had to do with a pope, who boldly asserted, *That all civil power ought to be subject to ecclesiastical, and, upon the strength of that doctrine, had formed a design of bringing all the crowned heads in the Christian world under subjection to him, and obliging them to hold their kingdoms as fiefs of the holy see, and to govern them at his discretion.*

See Dupin's
eccles. hist.
p. 48. et Greg.
epist. l. i.
epist. vii. l. ii.
epist. lxxiii.
lxxiv. lxxv.
l. viii. epist.
xxiii.

See also Du-
pin. eccl. hist.
cent. xi. p.
37. 50.

See Lanfranc
epist. ii. vii.
Seld. not. ad
Eadm. p. 164.

These are the words of the learned Dupin in his ecclesiastical history, and the truth of what they assert is clearly proved by the letters of Gregory himself. Among other pretensions of this kind, he laid claim to England, *as the Patrimony of St. Peter*, and by Hubert his legate required William to hold it of him, as supreme Lord, and take an oath of fealty to him for it. The answer of that king was peremptory and short, "That he never had promised to take any such oath, and that he could not find it had ever been taken by any of his predecessors, nor should it by him." He had indeed, before he engaged in his enterprize against England,

ap-

applied to the pope, as the best judge in political casuistry, to get a confirmation of his claim to the crown, according to a practice much used in those days upon disputes of that nature; which Gregory the Seventh would have willingly construed, as well as the payment of Peter-pence, an eleemosynary gift, into an evidence of subjection to Rome; but he met with a spirit too high, and an understanding too strong, to admit such conclusions. Nor did he only drop that absurd pretension; but found it necessary to treat this prince with regards which he did not vouchsafe to any other in Europe. So far was William from considering himself as his vassal, that he would not allow the bishops of England to go to Rome on his summons, or any papal letters or bulls to be received in that kingdom, unless approved by himself. And, though he affected to pay an outward respect to his clergy, he was always their master, and often their tyrant. The English bishops had been generally too haughty and troublesome to their kings. The Norman monarch, very desirous to humble their pride, without being called an enemy to the church, subjected them more to the power of the pope, but in a great measure controuled that power by his own. Yet the concessions he made to it proved in their consequences hurtful to his successors: for the alliance between the crown and the papacy was soon dissolved by their different interests; but between the papacy and the clergy a more strict one

See Greg.
epist. l. ix.
epist. v.

See Baron:
Ann. 1079.
Eadm. p. 6.
Lanfranc,
epist. l. vi.
epist. xxx.

was formed, which lasted much longer, and at length became too strong for the crown to restrain.

See Ord. Vit.
l. iv. p. 516.

It must be observed to the honour of this king, that, in the disposal of benefices and dignities in the church, he chose men of good characters, and was perfectly clear from all suspicion of simony, notwithstanding his avarice upon other occasions; knowing of what importance it is to the state, that religion should not be disgraced by its ministers. From the same principle, he likewise reformed the monastical discipline, which had been much relaxed in England. The scandalous ignorance of the whole Saxon clergy gave him a good pretence to bring over foreigners of learning and parts, whom he placed in almost all the episcopal sees, and also at the head of many abbeys and convents; which not a little contributed to strengthen his government. But unfortunately these men, with the erudition of Italy, where most of them were bred, had acquired the principles of the Italian theology; and, acting in this kingdom as if they had been missionaries sent over from Rome, bent all their studies, and employed all their knowledge, to defend and promote the doctrines and the interests of that see; so that, while, by their influence over the minds of the people, the king endeavoured to secure his own power, he served that of the pope much more than he desired or intended to do, and laid the foundations of most of the disputes between the church and the

the crown, with which his posterity was disturbed for several ages.

As he had undoubtedly a great reach of thought, he would have taken more care to prevent these future evils, if he had not been almost perpetually engaged, either in domestic or foreign wars, which called off his attention from more distant objects to what concerned his present safety. It has been often the fate of ambitious princes, to be very uneasy in their own families, while they were fortunate and triumphant abroad; their example having infected the minds of their children, and communicated to them a turbulent spirit, that would not be confined within the limits of obedience. This vexation happened to William the Conqueror. His eldest son, Robert, was not restrained by the checks of nature or duty, from endeavouring to deprive him of his dutchy of Normandy by force of arms. That prince's pretensions were grounded on a promise William had made, while he was soliciting aid from the court of France for the war he designed against England, that, if he should succeed in that attempt, he would resign to his eldest son his Norman dominions: which probably was thrown out, only to quiet the jealousy the French had conceived of his becoming too potent a vassal. But, whatever might be the motive of it, he did not perform it; nor indeed could he with safety: for, in the manner he thought fit to govern the

Flor. Wigorn.
sub ann. 1077.
Hoveden,
p. 1. f. 262.
Ord. Vit. l. v.
p. 569, 570.

English, even to the end of his reign, his being master of Normandy was necessary to secure to him the possession of England. Robert waited some time without complaining: but the instigations of France, working upon an unquiet temper of mind and a weak understanding, drew him at length into an open rebellion, to force his royal father to make good a promise, which it was indecent for a son even to put him in mind of; and he was powerfully supported in his pretensions, not only by the French king, but by many of the Normans.

Nothing can excuse such an enormous violation of filial duty. The war would have ended in a parricide, if Robert, who, in an engagement had actually unhorsed and wounded his father, had not known him by his voice in that very instant: upon which he dismounted, gave his own horse to the king, and fell upon his knees, to beg forgiveness: but instead of that he received a malediction. The horror of this accident made such an impression upon the heart of the young prince, which was naturally good, that, although the advantage he had gained in the action was very considerable, he sued for peace; and this, by the mediation of friends, was obtained for him; but he could never recover his father's affections: much less could he prevail upon him to yield up, during his life, the dutchy of Normandy, or even the earldom of Maine, which was become another source of discord between
 them,

Hoveden ut
 supra.
 Dunelm. sub
 ann. 1077.
 Flor. Wigorn.
 sub ann. 1079.

them, as will hereafter be explained in the account I shall give of the different claims made to that province. Disgusted at this, the restless, indiscreet, and ill-advised youth went out of England, and, like an exile or outlaw, wandered about Europe from one foreign court to another, fixing at last in that of France, where he employed all his credit, to incite king Philip to attack his father's territories on the continent. William was now grown infirm, and wished for peace in his old age: but grievous depredations having been made by the French on the borders of Normandy, and his patience insulted by words of contempt thrown out in publick by Philip, his great spirit was roused; and, forcing his body to second the invincible strength of his mind, he carried his arms into the domains of that monarch with more fury than he had ever before made war in France. After ravaging the country in a terrible manner, he took by storm the town of Mante, and set it on fire: but, either from excessive fatigue in the action, or (as some authors say) from a rupture occasioned by bruising his belly against the pommel of his saddle in leaping a ditch, he fell very ill, and died not long afterwards, at the priory of St. Gervais near Rouen, in the year one thousand and eighty-seven, the twenty-second of his reign, and the fifty-ninth of his age, according to William of Malmfbury, but the sixty-fourth, according to other historians.

Ord. Vital.
l. vii. p. 659.
Malmfb. f. 62,
63. l. iii. de
Will. I.
Gemiticén.
l. vii. c. 44.
l. viii. c. 2.
Dunelm.
Huntingdon.

Malmfb. l. iii.
de Will. I.
f. 63. et Ord.
Vital. sub
ann. 1087.

The character of this prince has seldom been set in its true light ; some eminent writers having been dazzled so much by the more shining parts of it, that they have hardly seen his faults ; while others, out of a strong detestation of tyranny, have been unwilling to allow him the praise he deserves.

See Saxon.

Chron. p. 188,

189, 190, 191.

Malmsh. de

Will. I. f. 62,

63.

Hunting. in

fine Gul. I.

f. 212. l. vii.

Ord. Vital.

Gemiticen. et

Pictaven. de

Will. I.

He may with justice be ranked among the greatest generals any age has produced. There was united in him activity, vigilance, intrepidity, caution, great force of judgement, and never-failing presence of mind. He was strict in his discipline, and kept his soldiers in perfect obedience ; yet preserved their affection. Having been, from his very childhood, continually in war, and at the head of armies, he joined to all the capacity that genius could give, all the knowledge and skill that experience could teach, and was a perfect master of the military art, as it was practised in the times wherein he lived. His constitution enabled him to endure any hardships ; and very few were equal to him in personal strength : which was an excellence of more importance than it is now, from the manner of fighting then in use. It is said of him, that none, except himself, could bend his bow. His courage was heroic, and he possessed it, not only in the field, but (which is more uncommon) in the cabinet ; attempting great things with means that to other men appeared totally unequal

unequal to such undertakings, and steadily prosecuting what he had boldly resolved: being never disturbed or disheartened with difficulties in the course of his enterprizes, but having that noble vigour of mind, which, instead of bending to opposition, rises against it, and seems to have a power of controuling and commanding Fortune herself.

Nor was he less superior to pleasure than to fear. No luxury softened him, no riot disordered, no sloth relaxed. It helped not a little to maintain the high respect his subjects had for him, that the majesty of his character was never let down by any incontinence or indecent excess. His temperance and his chastity were constant guards, that secured his mind from all weakness, supported its dignity, and kept it always, as it were, on the throne. Through his whole life, he had no partner of his bed but his queen; a most extraordinary virtue in one who had lived, even from his earliest youth, amidst all the licence of camps, the allurements of a court, and the seductions of sovereign power! Had he kept his oaths to his people as well as he did his marriage vow, he would have been the best of kings: but he indulged other passions, of a worse nature, and infinitely more detrimental to the publick, than those he restrained. A lust of power which no regard to justice could limit, the most unrelenting cruelty, and the most insatiable avarice, possessed his soul. It is true,

indeed, that among many acts of extreme inhumanity some shining instances of great clemency may be produced, that were either effects of his policy, which taught him this method of acquiring friends, or of his magnanimity, which made him slight a weak and subdued enemy; such as was Edgar Atheling, in whom he found neither spirit nor talents able to contend with him for the crown. But where he had no advantage nor pride in forgiving, his nature discovered itself to be utterly void of all sense of compassion; and some barbarities, which he committed, exceeded the bounds that even tyrants and conquerors prescribe to themselves,

Most of our ancient historians give him the character of a very religious prince; but his religion was, after the fashion of those times, belief without examination, and devotion without piety. It was a religion that prompted him to endow monasteries, and at the same time allowed him to pillage kingdoms; that threw him on his knees before a relick or cross, but suffered him unrestrained to trample upon the liberties and rights of mankind,

As to his wisdom in government, of which some modern writers have spoken very highly, he was indeed so far wise, that, through a long, unquiet reign, he knew how to support oppression by terror, and employ the properest means for the carrying on a very iniquitous and violent

violent administration. But that which alone deserves the name of wisdom in the character of a king, the maintaining of authority by the exercise of those virtues which make the happiness of his people, was what, with all his abilities, he does not appear to have possessed. Nor did he excel in those soothing and popular arts, which sometimes change the complexion of a tyranny, and give it a fallacious appearance of freedom. His government was harsh and despotic, violating even the principles of that constitution which he himself had established. Yet so far he performed the duty of a sovereign, that he took care to maintain a good *police* in his realm; curbing licentiousness with a strong hand, which, in the tumultuous state of his government, was a great and difficult work. How well he performed it we may learn even from the testimony of a contemporary Saxon See Chron. Sax. p. 190. historian, who says, that during his reign a man might have travelled in perfect security all over the kingdom with his bosom full of gold, nor durst any kill another in revenge of the greatest offences, nor offer violence to the chastity of a woman. But it was a poor compensation, that the highways were safe, when the courts of justice were dens of thieves, and when almost every man in authority, or in office, used his power to oppress and pillage the people. The king himself did not only tolerate, but encourage, support, and even share, these extortions. Though the greatness of the ancient landed estate of the crown, and the

the feudal profits to which he legally was entitled, rendered him one of the richest monarchs in Europe, he was not content with all that opulence : but by authorising the sheriffs, who collected his revenues in the several counties, to practise the most grievous vexations and abuses, for the raising of them higher ; by a perpetual auction of the crown-lands, so that none of his tenants could be secure of possession, if any other would come and offer more ; by various iniquities in the court of exchequer, which was entirely Norman ; by forfeitures wrongfully taken ; and, lastly, by arbitrary and illegal taxations ; he drew into his treasury much too great a proportion of the wealth of his kingdom.

It must however be owned, that, if his avarice was insatiably and unjustly rapacious, it was not meanly parsimonious, nor of that sordid kind, which brings on a prince dishonor and contempt. He supported the dignity of his crown with a decent magnificence ; and though he never was lavish, he sometimes was liberal, more especially to his soldiers and to the church. But looking on money as a necessary means of maintaining and encreasing power, he desired to accumulate as much as he could, rather, perhaps, from an ambitious than a covetous nature : at least his avarice was subservient to his ambition, and he laid up wealth in his coffers, as he did arms in his magazines, to be drawn out, when any pro-
per

per. occasion required it, for the defence and enlargement of his dominions.

Upon the whole, he had many *great qualities*, but few *virtues*: and, if those actions that most particularly distinguish the man or the king are impartially considered, we shall find that in his character there is much to admire, but still more to abhor.

THE anger of William the First against his eldest son Robert, was so confirmed by the last rebellious acts of that prince, that, though on his death-bed he gave a full and free pardon to all his other enemies, he did not extend it to him; but, punishing him as much as lay in his power, bequeathed the crown of England to William Rufus, the second of his sons then alive: Richard, who is said to have been a young prince of great hopes, having died some years before.

It plainly appears from the most ancient Norman historians, that by the constitution of Normandy the duke had a power of appointing his successor, provided it was done with the consent of his barons: and that from Rollo, down to Robert, the father of William the Bastard, not one had taken the government but by such an appointment. He indeed had succeeded to his brother, Richard the Third, not by his brother's nomination, nor yet by hereditary right (for Richard had left

Malmsh. l. ii. f. 62, 63. de Will. II.

Gemiticen.

l. vii. c. 41.

l. viii. c. 2.

Dunelm.

Huntingdon.

Will. Rufus.

A. D. 1087.

V. in Du-

chefne hist.

Norm. Du-

don St. Quen-

tin Decan. de

moribus et

actis Norm.

l. iii. p. 91.

W. I. p. 113.

R. I. p. 157.

Will. Gemit-

icen. hist. Nor.

l. ii. c. 22.

P. 233. l. iii.

c. x. p. 237.

l. iv. c. 20.

an p. 248. l. v.

c. 17. p. 257.

an infant son), but purely by election. Nor was his nephew excluded on account of his infancy; for several infants had been permitted to succeed to that dukedom, when nominated by their fathers: but he was set aside, and Robert was raised in his stead to the government, by the favor of the barons; over whom he preserved so much influence, that, not having a son born in wedlock, he brought them to confirm the settlement he desired to make of his dutchy, upon William, his bastard: though, at the time this was done, there were in Normandy some collateral legitimate branches of the house of Rollo subsisting.

The Norman government therefore was neither hereditary, according to the present sense of that word, nor purely elective, but of a mixed nature, which partook of both: so far hereditary, that it was confined to *one family*; so far elective, that out of *that family* the duke had an option to name his heir, even the illegitimate not being excluded; and his nomination was valid, if confirmed by the barons, as it generally was, unless some extraordinary objection occurred. If it happened that no successor was named by the duke *with their approbation*, then they elected whom they judged the most proper of the descendants of Rollo; but to them they always adhered, and

See the will of
king Alfred,
at the end of
Asser. de vitâ
Ælfredi.

the nearest in blood was thought to have the fairest pretensions. Nor did the English customs differ from the Norman as to the right of succession; except that in England minors had

had usually been set aside: but there also the crown had often been disposed of by testamentary settlements, approved by the nation in the Witenagemot, or parliament, and sometimes by their election, without regard to a lineal descent.

Upon these principles therefore, and not upon the idea of such a strict hereditary right as since that time a better policy has established, we ought to judge of the title, which William Rufus had to the English crown: for, without taking these into our consideration, we shall be led to imagine it not so good as it was in the opinion of that age. It is a great fault in some modern writers of the early parts of our history, that they are apt to ascribe to those times all the political notions of these; which is no less improper than to suppose that these times are bound strictly to conform to the notions of those, though a contrary usage has long prevailed, and though it must be owned by all thinking men, that the constitution of England has been much improved by various alterations. The only trace that remains, or has remained for several centuries, of the maxims which regulated either the Saxon or Norman succession, is that great, fundamental law, upon which the whole frame of our government and liberty rests, *that the succession to the crown may be limited and altered by parliament*. But this has not been done in latter times, either so often, or upon such

such light occasions, as, by several instances, we find that it was both before and in those of which I write ; nor is there now any need of a testamentary appointment, or of an election by parliament, to convey the inheritance ; but, where no legal and declared impediment hinders, the next in descent, though a minor or a woman, succeeds of course. And it is indisputably much better that the rule of succession should be fixed and certain ; the right of changing the course of it being reserved to the parliament, wherein the whole force and energy of the nation resides, among those extraordinary powers which are not to be exercised but in case of the most urgent, compulsive necessity, and for the publick safety only.

From what has been said it is evident, that, agreeably to the customs both of the Normans and English during that age, William the First might think himself justified, by the repeated revolts of his eldest son, to leave his dominions to a younger, who had always been affectionately dutiful to him, and in whom he saw many qualities worthy of a throne : especially as the former, at that very time, was not only a rebel, residing and serving in an enemy's kingdom, but the chief fomentor and cause of the war. Yet he had reason to doubt whether the barons in Normandy would not refuse their consent, if he should nominate William Rufus, or Henry his youngest son, to be his successor there. For, besides that they

See Malmsh.
de Will. II.
f. 62, 63. l. iii.
Gemiticen.
l. vii. c. 44.
l. viii. c. 2.

See Ord. Vit.
l. iv. p. 545.
l. vii. p. 659.
Malmsh. de
Will. II.
f. 63. l. iii.

they had formerly done homage to Robert, as heir to their dukedom, that prince possessed their affections. Those who knew him best expected to govern him, and therefore concurred with the multitude, who desired him for their ruler, because he was liberal, good-natured, and brave. On this account, his father was induced to leave him that dutchy, which he had not the power to take from him; contenting himself with cutting him off from the succession in England, where he hoped that the parliament would be more easily induced to confirm his appointment.

To procure their concurrence, great dexterity was employed, and great diligence used, by William Rufus himself, who, being in Normandy with his father at the time of his death, made such haste into England, that he did not even stay to attend upon the ceremony of the interment. Lanfranc archbishop of Canterbury was the first object of his attention. The friendship of any man possessed of that see was then an advantage of great importance to a prince upon such an occasion; but the personal character and credit of Lanfranc rendered it of still greater. The English thought him their friend; for his humanity made him one to all in distress: and the Normans were sensible that he had used the king's favor to moderate and restrain the violence of his temper. The authority, which these opinions produced, gave him the highest degree of influence in this conjuncture. To him

William

Malmsh. f. 67.

l. iv. de W. II.

Eadm. hist.

nov. l. i.

p. 13, 14.

Idem, l. iii.

f. 61, 62.

Ord. Vital.

l. viii. sub

ann. 1087.

Eadmerus,

p. 13, 14.

Malmsh. l. iv.
f. 67. de gest.
Pont. f. 118.

Eadm. Hist.
nov. p. 13.

Ibidem.

Huntingd.
l. vii. f. 213.

See notes to
this book.

V. Malmsh.
l. iv. f. 67.
sect. 20.

William Rufus brought a letter from his father in the nature of a testament, by which that monarch declared, that he appointed this prince his successor in the kingdom. The archbishop had a paternal regard for William Rufus, whom he had educated himself, and who had even received from his hands the order of knighthood: yet he required some extraordinary securities from him; which William, who feared that any delay might be hurtful, very readily gave, swearing to Lanfranc himself, and engaging some of his friends to become pledges for him, that he would govern the realm with justice and mercy, and defend, against all men, the safety, peace, and liberty of the church. Nay, if we may believe a contemporary writer, he added an oath, *that he would in all things obey the precepts and counsels of the archbishop*. Thus he entirely gained that prelate, and immediately got possession of the royal treasure laid up in the palace at Winchester, amounting to sixty thousand pounds weight of silver in coin, besides gold, jewels, plate, and robes, that belonged to the crown, of which he also found a very large store. The silver money alone, according to the best computation I am able to make, was equivalent at least to nine hundred thousand pounds of our money at present. His being master of this, and the respect they paid to his father's appointment, so recommended him to the Normans settled in England, that the chief lords very hastily concurred in his coronation,

nation, performed by Lanfranc at Westminster on the twenty-seventh of September, in the year one thousand and eighty-seven. Soon after which, as executor of the will of his father, he gave a bountiful alms to every church in the kingdom, and to the poor in each county; which, though bequeathed by that monarch for the benefit of his own soul, operated to the advantage of William Rufus, and was indeed a bribe to the people. But, in truth, the English were more inclined to him than his brother: for having resided longer in England, he was thought more an Englishman, and had endeared himself to them by a behaviour more agreeable to their temper and manners. He had therefore no difficulty in bringing them to support his pretensions. The clergy were induced by Lanfranc to favor his title; and before the end of the year all the vassals of the crown, having confirmed it in parliament, swore fealty and homage to him, without any one dissentient voice being heard.

But he had not reigned many months, when his throne was shaken by a sudden and almost general conspiracy of the great Norman lords, who, though nothing had yet been done by him to offend them, forsook him, and, not regarding the oaths they had taken, espoused the cause of Duke Robert. The only reason then assigned for this revolt, was an apprehension of weakening their security here, by the separation of Normandy from the kingdom

Ingulph. sub
ann. 1087.
p. 106.

Ord. Vital.
sub ann. 1087.
l. viii.

Huntingd.
l. vii. f. 213.
Malmsh. l. iv.
f. 57. de Will.

II.
Flor. Wigorn.
sub ann. 1087.

Malmfb. l. iii.
f. 62, 63. de
Will. I.
Orderic. Vir.
l. vii. p. 646,
647. sub ann.
1085.

of England. This was strongly enforced to them by the king's uncle, Odo bishop of Bayeux. In the reign of William the First, his brother on the mother's side, he had been, many years, grand justiciary of England, during which, by all kinds of oppression and injustice, he had amassed such vast sums, that he formed a design of buying the papacy on the death of Gregory the Seventh, while that pontiff was yet living, and engaged Hugh earl of Chester, with many barons and knights, to accompany him to Rome, and assist him there, by force of arms, to secure his election, as soon as the see should be vacant. The unquiet spirit, which then prevailed in the Normans more than in any other people, induced them to leave their establishments in this island, acquired at the expence of so much blood, and seek for greater in the ecclesiastical state: but it is probable that the earl might also incline to try this adventure from some disgust against William; as he could not reasonably hope for a much higher fortune than he already possessed in England and Wales. The design was thought extraordinary, even in that age; nor was it allowed to be carried into effect. For the king, informed of it, and not pleased that his kingdom should lose so much of its wealth and military force, came out of Normandy, found his brother in the Isle of Wight just embarking, and arrested him with his own hand, saying, *that he did not arrest the bishop of Bayeux, but the earl of Kent;*

Kent; a distinction suggested by Lanfranc. See Malmfb. l. iv. f. 67. de Will. II.
 This act of authority being done, which no other dared to do, he impeached Odo of many criminal malversations in his office, which he had connived at before; and, notwithstanding an application from Gregory the Seventh in his behalf, kept him a close prisoner till his own decease, after seizing all his treasures to the use of the crown. See Greg. epist. l. xi. epist. ii. The people of England thought it a kind of relief, to see the principal instrument of the evils they had suffered, though he was above the reach of their resentment, thus punished at last by the anger of the king, whose authority he had so long abused. But the solicitations of friends having prevailed on that prince, in his last moments, and against his own inclination, to set him free, William Rufus restored to him his earldom and lands, but did not give him any power; which to a man of his temper was an unpardonable offence. He therefore employed all his talents (and he seems to have had great ones) in endeavouring to transfer the crown to Robert, whom he expected to govern. By his intrigues with those nobles, who, having estates both in England and Normandy, feared, that if they should remain under different sovereigns, their lands might be forfeited in the one country or the other, the defection of the Normans became almost universal. In this extremity, William had no resource but the English; and therefore, more powerfully to engage their affections, he

Ord. Vit. et Flor. Wigorn. sub ann. 1087. Huntingd. l. vii. Dunelm. p. 215.

Sax. Chron.
p. 194; 195.
Malmsh.
f. 67, 68. l. iv.
de Will. II.
Idem de gestis
Pont. Ang.
f. 122.

not only careſſed them, as the friends on whom he relied, but engaged himſelf to them by the ſtrongeſt aſſurances, that he would give them better laws than had ever before been eſtabliſhed in England, take off all illegal taxes, and reſtore to them their ancient freedom of hunting. This raiſed him an army of *thirty thouſand men*, who ſerved him bravely and faithfully in his diſtreſs, and to them chiefly he owed his preſervation: which proves that the Engliſh were not (as ſome writers have ſuppoſed) reduced ſo low by William the Conqueror, even at the end of his reign, as to be mere abject drudges and ſlaves to the Normans. Their force was ſufficient to maintain that prince of the royal family, who courted them moſt, upon the throne of this kingdom, againſt all the efforts of the contrary faction: a very remarkable fact, which almoſt retrieved the honour of the nation.

V. Auctores
citatos ut
ſuprà.

William Rufus, thus favored by the natives of England, was a more lawful ſovereign of it, by their election, than Robert could be by any right of inheritance derived from a father, whoſe own title had been originally bad. Yet though he had gained this advantage, and availed himſelf of it now as his ſtrongeſt ſupport, he uſed all poſſible means to win over the greateſt of the Norman nobility, and break their confederacy; offering them privately any money or lands they deſired, and remonſtrating to them, *that they ought to take care how they impeached his right to the crown;*
ſince

since the same who had made them earls had made him king. There was much force in this argument, and it did him good service. Lanfranc also, who had their confidence, became surety for him, that he should redress all the grievances they had complained of under the government of his father: and seeing the English so affectionate to him, they thought there would be no danger of that nation's shaking off the Norman dominion; but, on the contrary, grew jealous, that, if he should be supported by the arms of the English alone, he might become more an Englishman, than, for their own interest, they wished him to be. By these considerations some of the principal nobles were fixed to his party, and others returned to it who at first had left him. The clergy in general adhered to him strongly, out of regard to their primate. A large body of forces, sent by Robert from Normandy, while he was preparing to come over himself with a greater embarkation, was destroyed in the channel, by the ships that guarded the coast; V. Chron. Sax. p. 195. sub ann. 1089. which so intimidated the duke, that it stopped his design: but his brother lost no time in Huntingdon, l. vii, f. 213. attacking the conspirators, and soon compelled all the chiefs of them to quit the realm: after which the whole nation submitted quietly to him, under the hope and assurance of a good Malmsh. f. 69. government. Nor were their expectations l. iv. de Will. II. Idem de gest. Pont. Angl. f. 122. contradicted at first by his conduct: but after Ingulph. sub ann. 1089. some time prosperity corrupted his nature, or rather discovered what policy and fear had

concealed. This change was accelerated by the decease of Lanfranc, who died the next year, with a very great reputation in the whole Christian world, for piety, learning, and parts: but he had made an unhappy use of his talents, by becoming the principal champion against Berengarius for the new doctrine of transubstantiation, unknown to the church of England at the beginning of this century, as is uncontestably proved by the epistles and canons of Ælfric archbishop of Canterbury, and by the prayers and homilies used at that time. It was principally owing to the authority of Lanfranc, supported by Rome, that so strange a tenet was now established both in England and in France. He had lived in close friendship with Gregory the Seventh, before the latter was exalted to the papal throne, and had gone so far into his notions, that, in an answer which he wrote to one of his letters, wherein that pontiff complained to him of William the Conqueror's refusing to acknowledge himself his vassal, he told him, *he had endeavoured to persuade the king to it, but could not prevail.* Yet it appears that he afterwards altered his opinion; or, at least, he acted very differently from many of the maxims asserted by Gregory. For he refused to go to Rome against his sovereign's orders; answering the pope, who very imperiously summoned him thither, that the laws of the kingdom would not permit him to leave it without the consent of the king; and persisting in his refusal, though threatened

See Usher's
answer to the
Jesuit, from
p. 77. to 80.
Chron. Sax.
MSS. Bibl. C.
C. C. f. 294.
Epist. Ælfric.
ad sacerdot.
MS. Col. C.
C. Cantab.
Hicetii
Thesaurus.
See also Matt.
of West. sub
ann. 1087, et
Lanfranc
ep. v. xxxiii.
See Lanfranc.
epist. viii.
Baron. Annal.
sub ann. 1079.

threatened by his Holiness with a suspension. See Lanfranc. epist. xxx. Baron. Annal. subann. 1081.
 He likewise assisted his master in maintaining all the other points of supremacy that were disputed between him and this arrogant pontiff. Upon the whole, he was as good an archbishop of Canterbury, as an Italian who lived in the eleventh century could well be; and the loss of him was much lamented, both by the Normans and English.

After his death, William Rufus, whose V. Malmsh. f. 69. l. iv. de Will. II. passions had been curbed by an habitual respect for the gentle authority of a virtuous preceptor, grew more bold in his vices, and more impatient of any counsels delivered with freedom: yet his character for some time remained undecided; his great and good qualities being so mixed with his bad, that the world was in doubt what judgement to form of him. But an immense prodigality, which he was forced to support by rapine and extortion, with the instigations of a minister worse than himself, determined that doubt, and made the latter years of his reign a continual series of grievous oppressions.

Ralph Flambard, a Norman, who, from the dregs of the people, had been advanced by William the First to be one of his vassals, See Domesday book. became such a favorite with this king, that he was set at the head of his administration, Ord. Vital. l. vii. p. 678, 679. et l. x. p. 786. and, to the infinite scandal of the English church, made bishop of Durham. The merit S. Dunelm. p. 225. that recommended him to these great promotions was a forward and enterprizing spirit, an

eloquent tongue, a taste for those pleasures his master loved, but, above all, a very fertile invention of ways and means for the raising of money, with a remorseless insensibility to the complaints of the people, and a daring contempt of the resentments of the nobles. He had scarce any learning, and not so much as an external shew of religion : but a more agreeable wit, a more skilful courtier, a more subtle lawyer, a more magnificent prelate, was not in the kingdom. Under the power of this man, the commons of England, instead of being relieved from their grievances, agreeably to the promises made by the king, were har-
 rassed with worse exactions than they had borne even under the ministry of the bishop of Bayeux. The whole nation now felt, more insupportably than ever, what heavy burthens the feudal laws could by arbitrary constructions impose on the subject. Aids levied by virtue of the royal prerogative, upon a pretended necessity, of which the king himself was the sole judge, or asked as *free gifts*, but which it would not have been safe for any man to refuse ; exorbitant fines (called in the law-term *Reliefs*) on the decease of the tenant ; grievous extortions on the livery of lands to the wards of the crown, and other abuses of wardship, particularly with regard to the marriage of wards ; all these, and more, were complained of as effects of the counsels of Flambard. They fell indeed first upon the great Norman lords ; but the evil did not stop there. Whatever demands

Eadmerus.
 Ingulphus.
 Chron. Sax.
 S. Dunelm.
 Malmsh.
 Huntingdon.
 Ord. Vit. de
 Will. II.

demands were made by the king on his vassals; they made on theirs; whatever powers he exercised, they likewise claimed, and often abused still more than he. Thus the concatenation, by which the several parts of the feudal system were linked together, became a mere chain of arbitrary oppression, under which all suffered much, but the lowest most. Nor was the avarice of the court content with these methods of acquiring wealth. Every thing was sold by the king and his ministers; benefices, bishopricks, justice itself. When all other means were exhausted, confiscations were sought for under various pretences, the last and worst resource of a prodigal tyrant!

One is surprized, that, in times which had no idea of the duty of *passive obedience*, either the Normans or English should have endured such a government. Great advantage might have been taken of the enmity between the two brothers, which cut off the communication between England and Normandy, and deprived the king of the means, which his father had preserved, of drawing recruits from thence to oppress the English. But this, perhaps, was the very reason why the Normans in England durst not rebel. They might be afraid that the English should take occasion, from their disagreeing among themselves, to drive them all out of the kingdom. On the other hand, such a destruction had William the Conqueror made of the English nobility,
that

that there remained no chief of that nation who had any authority with his countrymen : and popular discontents are not very dangerous without an able head to direct them. Those who had escaped from the sword or imprisonment were gone into the service of foreign powers, some even as far as Constantinople, where they were lost to their country, and could do it no service against the despotism under which it was fallen. The extravagant bounties of William Rufus, who gave his army all he could tear out of the bowels of his people, not only endeared him to the soldiery here, but drew to his service great numbers of the most valiant men from all parts of Europe, who were a continual supply of new force, by which he was enabled to intimidate those of his national troops, who were at any time displeased with his conduct. Yet one conspiracy was formed to dethrone him, by Robert de Mowbray, earl of Northumberland, and some of the greatest Norman lords : but not being supported, for the reasons I have given, by any general insurrection, his active valour and prudent conduct soon overcame it : so that, in the issue, this unsuccessful revolt only augmented his power.

It is worthy of note, that these lords did not conspire in the name of Duke Robert ; but, without any regard either to him or Prince Henry, his youngest brother, designed to have given the crown to Stephen earl of Albemarle, nephew to William the First by
one

See Ord. Vit.
Liv. p. 508.

Ord. Vital.
Malmfb.
f. 69, 70, 71.
l. iv. de
Will. II.

Flor. Wigorn.
rubann. 1095
et 1096.
S. Dun. sub
indem ann.
Malmfb.
l. iv. f. 70.
de Will. II.
Hunting. sub
ann. 1095.

one of his sisters, married to Odo earl of Champagne and of Holderness, a younger son of the house of Blois, who had settled in Normandy. As this necessarily united all the three brothers against their attempt, it seems to have been a very impolitick measure. Most of the conspirators fell into the hands of the king, who had so much moderation, as to punish but few of them either in life or limbs, contenting himself with only imprisoning the others, among whom were Robert de Mowbray, Odo earl of Champagne, and Stephen his son. But they all suffered in their fortunes; for the king's wants required a large supply, and his nature delighted more in confiscations than blood. Indeed his sparing the lives of the three noblemen abovementioned, especially of the last, was an extraordinary act of mercy; jealousy of state scarce permitting the mildest king to suffer a subject to live, whose ambition had aspired to deprive him of his crown. William extended his clemency so far, as even to set the earl of Albemarle at liberty, after a very short time: for he is mentioned in history among the chiefs of the first crusade. Probably his father was also released; but Robert de Mowbray remained in prison almost thirty-four years, and died there of old age.

See Gemitic.
l. viii. p. 294.
Orderic. Vit.
l. iv. p. 522.
l. v. p. 574.

Math. Paris,
sub ann. 1097,
1098.

Ord. Vital.
l. vii. p. 649.

It was well for the king, that, before this conspiracy broke out in England, Scotland had been disabled from giving him any disturbance.

See Malmfb.
l. iii. f. 58.
de Will. II.
Flor. Wigorn.
subann. 1072.

disturbance. For, though Malcolm the Third had done homage to William the Conqueror, for those parts of his kingdom that had been anciently held of the English crown, there was no sincerity of friendship between them; that prince, out of affection to his queen and her countrymen, hating the Normans, and observing very ill the peace he had been constrained to make. In the fourth year of this reign, the king being in Normandy, he invaded Northumberland, and having ravaged the open country retired again into his own territories: but, to revenge that insult, William Rufus returned into England, raised a great force by sea and land, and marched against Scotland, accompanied by his brother Robert, with whom, after having attacked him in his own dutchy, he had made an agreement, which, if either of them should die without legitimate issue male, constituted the other his heir in all his territories and possessions, besides some present advantages reciprocally granted on either side. The two brothers, thus reconciled, advanced into Lothian; but, before they got thither, almost all the English fleet was destroyed by a tempest; and the cavalry suffering much for want of provisions, and from the coldness of the weather, William consented that Robert, for whom he knew that the king of Scotland professed a regard, should be the mediator of a peace between the two crowns, conjointly with Edgar Atheling.

That

Idem, sub
ann. 1091.
Malmfb. f. 68.
l. iv. de
Will. II.

That prince, in the year one thousand and eighty-six, had left the English court, and gone into Apulia; from whence, upon the death of William the Conqueror, he returned into Normandy, invited by Robert, who gave him an honourable fief in that dutchy. But, when the agreement was concluded between Robert and William Rufus, the latter, who had conceived some resentment against Edgar, insisted upon his being deprived of this grant. Thus driven from Normandy, the unfortunate fugitive retired into Scotland, and, being in his nature pacific, easily lent his good offices, to accommodate the quarrel between the two kings; upon the merit of which conduct, William Rufus condescended to be reconciled to him; and that was all the benefit he drew from the treaty. Yet, though Malcolm, from a desire of obtaining this peace, agreed to do homage to the king of England for the fiefs he held of that crown, as he had done to his father, new differences immediately broke out between them, upon the nature of his service, and the manner in which the question should be determined; differences, that soon afterwards occasioned a war, which Malcolm began by a most furious incursion into Northumberland: but acting there with more heat than prudence, both he and his eldest son, a youth of great hopes, were surprized by a party of Robert de Mowbray's troops, commanded by a knight named Morel, and slain near Alnwick castle, of which Morel was the governor;

See F. Wigorn.
sub ann. 1087.
et 1091.

Idem, ibidem.
Huntingdon,
l. vii. f. 213.
See Malmfb.
f. 68. l. iv.
de Will. II.
Idem, f. 89.
l. v.
Flor. Wigorn.
sub ann. 1093.
Sax. Chron.
Huntingdon,
l. vii. f. 214.
S. Dunelm.
sub ann. 1093.

in

in the year of our Lord one thousand and ninety-three.

See Ethelred.
abb. Riev. de
genealogiâ
reg. Angl.
P. 367.

The character of this monarch cannot better be shewn, than by one fact, which is related from the mouth of his own son, King David the First, to King Henry the Second, his great grandson, by Ethelred abbot of Rivaux. Having received an information, that one of his nobles had conceived a design against his life, he enjoined the strictest silence to the informer, and took no notice of it himself, till the person accused of this execrable treason came to his court, in order to execute his intention. The next morning, he went to hunt, with all the train of his courtiers, and, when they were got into the deepest woods of the forest, drew that nobleman away from the rest of the company, and spoke to him thus:

“ Behold! we are here alone, armed, and
 “ mounted alike. Nobody sees, or hears us,
 “ or can give either of us aid against the other.
 “ If then you are a brave man, if you have
 “ courage and spirit, perform your purpose;
 “ accomplish the promise you have made to
 “ my enemies. If you think I ought to be
 “ killed by you, when can you do it better?
 “ when more opportunely? when more man-
 “ fully?—Have you prepared poison for me?
 “ that is a womanish treason—Or would you
 “ murder me in my bed? an adulteress could
 “ do that—Or have you hid a dagger, to stab
 “ me secretly? that is the deed of a ruffian.—
 “ Rather act like a soldier; act like a man;
 “ and

“ and fight with me hand to hand ; that your
 “ treason may at least be free from baseness.”
 At these words, the traitor, as if he had been
 struck with a thunderbolt, fell at his feet, and
 implored his pardon. “ Fear nothing: you
 “ shall not suffer any evil from me ;” replied
 the king ; and kept his word.

Besides this admirable greatness of mind,
 he had many other virtues, both publick and
 private ; and is charged with no fault, but
 too barbarous a manner of making war in his
 incursions into England. He gave a new form
 to the constitution of Scotland, modelling it
 nearly upon the same feudal plan as that
 which the English had received under the
 reign of William the First ; though he was no
 friend to the Normans. Nor did his subjects
 oppose this alteration : which shews that his
 authority was great among them. Perhaps
 indeed the nobility, who found their account
 in it better than the people, might be inclined
 to assist him ; and, when it was once esta-
 blished, his good and mild government recom-
 mended it to them, and covered its defects.
 Nor do we know enough of the former consti-
 tution of their kingdom, to be able to form a
 true judgement, how far they either gained or
 lost by the change.

See S. Du-
 nelm. sub ann.
 1070 et 1093.

The untimely death of this king, and of
 a young prince who seemed to inherit his
 virtues, was a terrible blow to Scotland, and
 drew after it a train of other misfortunes.

Margaret

Margaret wife to Malcolm, a lady renowned for piety and goodness, who in a court had always led the life of a saint, died of grief, for the sudden loss of her husband and her son. She heard the account of it, received the last sacraments, and expired in three days. Very soon afterwards, the Scotch parliament expelled Edgar Atheling, with all the other English whom Malcolm had employed in his service, and gave the crown to Donald-Bane, the late king's younger brother, though that monarch, at his death, had left five sons born to him of Margaret; these being all set aside, on account of their nonage and English blood, against which last an excessive rage of national hatred had been excited by jealousy, and envy at the favors, which the bounty of that prince, and his affection for his consort, had made him heap on her countrymen with too profuse a hand. Indeed, this was the real cause, and the other only a pretence: for though we are told by Buchanan, that the ancient custom of Scotland had been *to chuse, not the next, but the fittest of the dead king's relations*, and therefore minors had not been suffered to reign in that kingdom, for several ages; yet, under Kenneth the Third, a different constitution had been received, and, in spite of great opposition from the princes of the blood, which it afterwards met with, was confirmed by the parliament under Malcolm the Second; it being then enacted, that the eldest son of the king should succeed to his father.; and, if the son

See Buchanan, l. vi.

died before the father, the grandson should, if there was any, succeed to the grandfather, and, if under age, should have a guardian or protector assigned him. But the furious aversion, which most of the nobility had now to the English, revived the old law, and abrogated the new: which was the more easily done, as Donald-Bane was supported by Magnus king of Norway, whose assistance he had purchased by a secret engagement to yield to him all the western isles. Upon this revolution, Edgar Atheling carried with him into England the orphan children of Malcolm; among whom was Matilda, a very beautiful princess, who was afterwards married to king Henry the First.

See Buchanan, l. vii.

William Rufus was now delivered from all apprehensions of danger from Scotland: but, not content with security, he sought further advantages from this event. A natural son of Malcolm, whose name was Duncan, had been sent to his court as an hostage. He was then of full age, and thinking the opportunity favorable aspired to the dominion of Scotland. William consented to assist him in that design with an army, after having received from him an oath of fealty. By the help of these forces he defeated Donald-Bane, drove him into the western isles, and got possession of the throne: but, some of the foreign auxiliaries being retained in his service, the jealousy of the Scots broke out again as strong as before; a powerful conspiracy was suddenly

Flor. Wigorn.
sub ann. 1093.
Sax. Chron.
S. Dunelm.
Huntingdon.
Malmsh. l. v.
f. 89.

formed in his court; the English and Normans were almost all massacred; but his own life was spared, and he was even allowed to reign, under a solemn engagement, that he would bring no more foreigners into his kingdom. Yet he was murdered soon afterwards, by Malpeit earl of Merns, at the instigation of Donald-Bane and of his own half-brother Edmond, one of the five sons of Malcolm and Margaret, who was persuaded to concur in this wicked act, on a promise from his uncle of one half of the realm. But no regard was paid to that covenant by Donald-Bane, when he had recovered the throne; and, after three years, the Scots being disgusted at the loss of their islands, which the king of Norway had seized, agreeably to the former compact between him and their sovereign, they invited Prince Edgar, the eldest of Malcolm's surviving sons, to assert his right to the crown, as the objection formerly made to him, on account of his minority, no longer subsisted. Edgar, who lived under the protection of William, was afraid to leave his court without his consent, or to undertake such an enterprize without his help. He applied to him for both; and William thereupon, considering that Donald-Bane would be always his enemy, on account of the assistance he had given to Duncan, and desiring that Scotland should have a king made by him, determined to assist his royal guest, and ordered a body of his own troops to march into that kingdom, under the

com-

See Malmfb.
l. v. f. 89.

Buchan. l. vii.

Malmfb. de
W. II. f. 69.
l. iv.
S. Dunelm.
Huntingdon.
Sax. Chron.
Flor. Wigorn.

command of Edgar Atheling, against Donald-Bane. There is not in all history a more striking instance of the extraordinary changes, which the course of Providence makes in human affairs, than to see that very prince, who was the lineal heir to the Saxon crown, set at the head of a Norman army, and sent to conquer the kingdom of Scotland in behalf of his nephew, by the son and successor of William the First. At the same time it is a proof in what contempt William Rufus held Edgar Atheling; for, had he not greatly despised, he must in reason and policy have feared him too much, to have done him this kindness. But though he did not fear *him*, he might have been justly apprehensive of future danger to the Normans established in England, from the crown of Scotland's being worn by a great grandson of Edmond Ironside. It is equally strange that he over-looked this objection, and that no king of that family ever claimed the realm of England by his descent from Queen Margaret.

Edgar Atheling, having fought with and defeated Donald-Bane, took him prisoner, and settled his nephew on the throne. Edmond, the brother of Edgar, who had been an accomplice in the murder of Duncan, was likewise imprisoned, and dying not long afterwards, with a strong sense of his guilt, desired to be buried with his fetters upon him, as a mark that he acknowledged the justice of his

See Malinfb.
l. v. f. 89. d.
Hen. I.

punishment. From this time till the decease of King Henry the First, Scotland was always in peace and friendship with England.

See Eadmer.
hist. nov.

The great disregard William Rufus always shewed for the pretended rights of the clergy might have hurt him much more than all his violations of civil liberty, if it had not been for one favourable circumstance; I mean the long schism between Urban the Second and the antipope Clement; in which he taking no part, neither faction was inclined to disturb his tranquillity, or make an enemy of so potent a king. And, while he delayed to declare himself, no pope was, or could be, acknowledged by his subjects. In this state of uncertainty the nation remained eleven years; William being aware of the advantage he drew from such a situation, and too good a politician ever to be forward to espouse any party, either in spiritual or civil broils, when the dispute did not directly and strongly concern his own present interest or future security. But Anselm an Italian, bred up in all the notions of the Roman theology, who had succeeded to Lanfranc as archbishop of Canterbury, having acknowledged Urban in Normandy while he was abbot of Bec, thought himself equally bound to own him now as primate of England, and asked leave of the king to go to Rome, in order to receive his pall from that pope. William considered this petition as treason against the royal dignity, though, in reality,

Flor. Wigorn.

Eadm. l. i.
p. 25, 26, 27.
Malmfb. de
gest. pont.
Angl. l. i.
p. 124.

he had drawn it upon himself: for Anselm before his promotion to Canterbury had fairly notified to him the part he had taken, and that he would adhere to it firmly: notwithstanding which declaration he had been elected, at the earnest desire of the king, and with great reluctance in himself to accept of the charge. It is hard to comprehend why this prince was so desirous of raising to that see a man pre-engaged in a point of such consequence, while it was for his own interest to avoid a decision; especially if (as William of Malmesbury affirms) he rather inclined to favor Clement. The presumption is strong, that (whatever his sentiments might be at this time) he was disposed, when he promoted Anselm, to concur with that prelate in acknowledging Urban. He had now altered his mind, and probably with good cause; for many great interests might make a neutrality desirable for him, and more so at this conjuncture than a little before. But the inflexible character of this mitred monk would not permit him to regard, either reason of state, or the duties of his own situation, which undoubtedly obliged him to wait for his pail, till the dispute from whose hands he was to receive it had been determined by the royal authority; whereas what he proposed was in effect deciding that question, by his own private authority, not for himself alone, but for his sovereign, and for the whole kingdom. When he was told by the king, that his doing such an act would be contrary to the fealty

Decret. l. ii.
tit. 6. c. 4. 28.
et tit. 8. c. 3.
De Marca de
concor. sacer.
et imp. l. vi.
c. 6.

which he had sworn, he tried to distinguish between that fealty, which extended only to temporal matters, and the spiritual obedience due to the pope, which, he thought, was concerned in this point. For in some papal decrees the metropolitan jurisdiction and power were said to be conferred by the pall; and others declared it unlawful for any archbishop to exercise his authority till he had received one from Rome: it being now an established notion, that all metropolitans were only the *vicars*, or rather *viceroy*s of the pope, in their several provinces; and that the pall was the ensign of their office. This was too lightly given way to by kings, and proved in its consequences one of the deepest arts by which the policy of the court of Rome supported its power. For thus all the greatest prelates, who might have affected an independence on that see, had another object of ambition set up, viz. an independence on their own sovereigns, and an imparted share of the papal dominion over all temporal powers. It was on these principles that Anselm proceeded. They were so fixed, both in his head and his heart, that nothing could remove them, or even suspend their effects. But he had a monarch to contend with, who was full as tenacious of his royal prerogatives, as he could be of the maxims or pretensions of Rome. Their conference, therefore, was very far from convincing either the one or the other. The king urged the laws and customs of his kingdom; Anselm answered

answered him with texts of the gospel misapplied. At last the dispute between them was brought to an issue, by the archbishop's desiring, that it might be determined by the judgement of parliament, which William agreed to; and a parliament was assembled at Rockingham castle upon this business. Anselm, having stated his difficulty to them, asked their advice, especially that of the bishops, in whose sentiments he hoped to find a conformity to his own: but even they referred him absolutely to the will of the king; and let him know, that, if he did not submit to it without any reserve, he must expect no help from them. "Since none of you here (replied the primate) will advise me how to act, unless according to the pleasure of one man; I will have recourse to the angel of the great counsel, and be directed by him in this affair, which is indeed his rather than mine." He then repeated the principal texts of scripture applied by the church of Rome to the pope, and concluded with this; *Render to Cæsar the things which are Cæsar's, and to God the things which are God's*; declaring, he resolved to act by that rule; for in all points which belonged to God he would pay obedience to the vicar of Peter; and in those which belonged to the temporal dignity of his lord, the king, he would give him faithful counsel and assistance to the utmost of his power. He had scarce concluded his speech, when all the barons who sat with him rose up at once, expressing, by a confused

A. D. 1097.
Eadm. l. i.
p. 26, 27, 28.

fort of outcry against him, the utmost displeasure and indignation; and then, after declaring to him, that they would not presume even to report to the king the words he had uttered, they departed from him abruptly, as one whose society they feared or abhorred, and went to the king, who was in another room, with some of his ministers. Anselm, seeing this, followed them, and repeated himself to that prince what he had spoken in their presence: after which, with great calmness, he returned to his seat. The bishops, abbots, and barons, continued a good while in council with the king; during which the old man, sitting alone, fell asleep. At last, the bishops, accompanied by some of the temporal barons, came back to him, and acquainted him in very strong terms, that the whole nation complained of him, because he attempted to take from the king his royal prerogatives, which was, in effect, to deprive him of his crown. They all advised him to throw off his obedience to Urban, who could do him no good, if the king was offended against him, nor harm, if he was appeased; and to wait for his sovereign's orders in that state of freedom which, they said, it became an archbishop of Canterbury to keep himself in with regard to this dispute. They added warm exhortations, that he should acknowledge his fault, and try to gain the king's pardon, by an unlimited promise of future obedience. But he, who in asking the opinion of parliament had no other intention than
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merely to avail himself of their approbation, or at least of that of the bishops, in support of the part he had determined to take, being disappointed in this hope, desired another day, to consider of his answer, which he told them he would give *as God should inspire him*: yet, even then, he declared an unalterable resolution not to depart from his obedience to Urban. All his brethren, supposing that his desire of delay was owing to uncertainty and irresolution, advised the king not to grant it, but to bring the affair to an immediate conclusion.

The bishop of Durham (predecessor to the infamous Flambard) was the most zealous in this counsel, having strong hopes (as some contemporary authors affirm) of being promoted to Canterbury, if Anselm, by his contumacy, should be deprived of that see. He likewise sought all occasions of making court

Malmsh. de
gest. pontif.
Ang. l. iii.
f. 158.
Idem, l. i.
f. 124, 125.
Eadm. hist.
nov. l. i.
p. 28, 29.

to the king, because, having been deeply engaged in the revolt of the bishop of Bayeux, and driven out of England on that account, he had, afterwards, received a gracious pardon. William, who perfectly understood the advantage of having a bishop to take the lead, in an affair of this nature, on the side of the crown, left the management of it to him, and approved his advice, not to grant the request of Anselm. This prelate therefore returning, with many more of the spiritual and temporal lords, informed the archbishop, that the king was highly provoked at the offence he had committed against his royal dignity, *by making*

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the bishop of Ostia pope in his kingdom without his permission; and notified to him, that judgement would immediately be passed upon him, and the sentence not a light one, if he did not, without delay, submit to the king, and reinstate him in those rights, which were the most valuable prerogatives of his crown, and which he himself, by his oath of fealty, had solemnly promised to maintain. Anselm replied, with some warmth, that whoever accused him of having violated his oath to the king, because he refused to renounce his obedience to the pope, should find him ready to answer that charge, *in the name of the Lord, as he ought, and where he ought*: by which he intimated to them, without speaking too plainly, that he acknowledged no other jurisdiction, but that of Rome. They understood what he meant, and were so desirous of supporting that pretended exemption, in which the whole order was concerned, and so afraid of being engaged in a dispute with the Roman see about its jurisdiction, that they seemed quite disconcerted. After they had left him, and returned again to the king, he was much encouraged by a declaration that the people, or *commons*, who attended the parliament, were favorable to him. Nor did the temporal barons, in their succeeding consultations, shew any inclination to deal severely with him; but were rather struck with the intrepidity of his behaviour, and wished to bring about an accommodation. The bishop of Durham alone, more firm than
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all the rest, as being more interested in the ruin of Anselm, proposed the depriving him of his archbishoprick, and banishing him out of the realm. But, the temporal barons expressing their disapprobation of such a rigorous sentence, the king was very angry, and said with much passion, " If this does not please you, what does? As long as I live, I will never endure to have an equal to myself in my kingdom. If you thought that the archbishop was so strong in his cause, why did you suffer me to engage in this business? Go, and consult what to do; for, by God's face, if you do not condemn him, according to my pleasure, I will condemn you." Thus did this prince, even in supporting the lawful rights of his crown, speak and act like a tyrant. He then asked the bishops, what their sentiments were? who answered, that, being suffragans to the archbishop, of Canterbury, they could not be his judges: and it was very true, that *as bishops alone* they could not, if the other barons would not join with them in the proceeding: but to the judicature of the high court of parliament the archbishop undoubtedly was just as much subject as any other peer. William enquired of them, whether they could not at least renounce their episcopal obedience to Anselm, and all fraternal communion with him; declaring, that he was determined not to acknowledge him for his archbishop, nor give him the benefit of his royal protection, while he continued in the kingdom. To this they consented;

Eadm. hist.
nov. l. i.
p. 30, 31.

consented; though it was certainly doing a still more unjustifiable and violent act than what they had refused; for this was in effect to depose and outlaw the archbishop of Canterbury, without any judgement having been passed upon him, otherwise than by the arbitrary power of the king. But it did not so immediately seem to entrench upon the pretended jurisdiction of Rome, as if they had made themselves his judges in form. Having therefore agreed to comply thus far with the desire of that prince, or rather having submitted to obey his orders, they went, together with the abbots, and notified it to Anselm, who coolly told them, *that he would not renounce his paternal care and authority over them and the king; but would use them to their reformation.* The temporal barons being also required by William to do as the bishops had done, their answer was, that they were no vassals to Anselm, and could not renounce an obedience which they never were bound to: but he was their archbishop; and, so far as his spiritual power extended, they could not withdraw from it, because he had done nothing to forfeit that character. At which the bishops and the king were alike confounded; and the latter thought fit to let the business rest for some time, finding the nation inclined to support Anselm against any violence. The common people especially seemed to be eager in his favor, partly from zeal for religion, which he had made them believe was concerned in the quarrel, and partly

partly from that compassion, which any appearance of being persecuted by a court is apt to excite in their minds. Indeed he had not yet committed any crime worthy of banishment or of deposition. For it was not necessary that he should renounce the engagements he had personally taken to Urban, till another pope was owned by William: nor did he violate the laws, so long as he abstained from any public act which might appear to engage his sovereign and the nation. His going to Rome to receive his pall from the hands of that pope, before he was acknowledged by the king, would undoubtedly have been criminal: but, as he stopt short at the bare desire, the barons did well to proceed no further than to reprove his intention. Yet, as William had expressed so much anger against him, and even declared that he would withdraw from him his royal protection while he remained in the kingdom, he took occasion from thence to ask his leave to go abroad, and remain out of England, till the schism should be ended. It seemed very hard to deny him this request, as he made it in terms of due respect and submission: but though the king would gladly have sent him away deprived of his see, he did not care to trust him out of England while he continued archbishop of Canterbury; and was afraid of the scandal it might cause, to have him thus abandon his see, and go, as it were, uncondemned into banishment. Under this difficulty he consulted only with the temporal barons:

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for he was much less offended with the direct opposition they made to his will, than with the uncertain and wavering conduct of the bishops; many of whom now sought for nice distinctions, with regard to the declaration they had made of renouncing obedience to Anselm, as if they had meant only such obedience as he might pretend was due to him by virtue of any authority derived from Urban, or might demand of them in behalf of that pontiff. The king, who had proceeded at first upon the encouragement given by them, seeing himself now disgraced in this business, shewed great

Edm. p. 31. resentment; and (if we may believe an historian of those times) they who had used these evasions were driven from his presence, and threatened to be punished as traitors and rebels, till they bought their pardon with large sums; *which* (says that author) *was the only sure means by which they were accustomed to appease his displeasure.* The temporal barons, whose advice he now chose to take, advised him rather to sooth than inflame the archbishop, in order to stop him from going out of the kingdom; which they were apprehensive he would venture to do without leave, if more gentle methods were not tried, in order to prevent it: for they saw that his obstinacy was not to be overcome by any ill usage, and thought the king had carried a point of great importance, in having persuaded him to drop, or at least suspend, his first intention of taking his pall from Urban. William therefore proposed to him, that, in
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hopes of establishing concord between them, a certain time should be fixed for the final determination of the dispute, and gave him assurances, that, during the interval, he should remain in peace and security, if he would do nothing himself to create any disturbance. To this he consented, *saving the obedience he owed to Pope Urban*, which reserve he thought it was necessary to express in the treaty, lest his inaction should be deemed a renunciation. But, before the expiration of the truce thus agreed on, the king, who did not intend a peace, grievously mortified him, by driving a monk, who was his principal counsellor, and two of his favorite clergymen, out of the kingdom, with other acts of severity, but done by judgement of law, against some of his nearest domesticks and vassals. Nor was the vengeance of that prince content with these victims; but, to reach Anselm himself, he used those arts, which he always had recourse to, when he met with such difficulties as he could not surmount by open force. For, while he pretended to postpone the whole controversy between himself and that prelate, till the next meeting of the great council, which was at some distance, he dispatched agents to Rome, with secret instructions to treat with Urban; offering to acknowledge that pontiff as duly elected, if he would send over to *him* the archbishop's pall, and let *him* dispose of it as *he* should think proper. Urban was pleased with this message, and immediately sent the pall by
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Eadm. p. 32,
33, 34. l. ii.

the bishop of Albano; who brought it to William, without the knowledge of Anselm, and promised that monarch, in the name of the pope, a full confirmation of all the prerogatives and rights of his crown by the papal authority, if he would acknowledge and obey him as sovereign pontiff. William, who perceived that his people and clergy were generally disposed in favor of Urban, accepted these offers, and, having declared his reception of him throughout his dominions, tried to prevail upon the bishop of Albano to concur with him, as legate, in the deposing of Anselm; offering a great sum of money to be annually paid, both to that prelate and to Urban, if they would gratify his desires in this matter. For, though he had now removed the cause of his difference with the archbishop, he could not forgive his obstinacy; and was the more angry, because he had been dishonoured in the contest. Policy also joined with passion, to make him desire, that so warm a bigot to Rome should not continue primate of England. But the bishop convinced him of the impracticability of what he demanded; which could not indeed be expected from that see, the election of Anselm having been so canonical, as not to admit a dispute, and his whole behaviour most meritorious, both to the papacy and the pope. There being therefore no hopes of getting him deposed, the king endeavoured to find some means of compounding their quarrel to his own profit. With that view, he

he sent some of his brethren, to sound him privately, as from themselves, and learn, whether he would be willing to regain the royal favor *by a present of money*, and what he might be prevailed upon to give for that purpose. Anselm nobly answered, *that he never would put such an affront on his master, as to prove by fact that his friendship was to be sold*: but he added, that if that prince would give it him freely, and let him live in England, with peace and security, as archbishop of Canterbury, under obedience to Urban, he would receive it with thankfulness, and serve him faithfully, as his lord and his king; if not, he again entreated his permission to withdraw out of the kingdom. Upon which they told him, that Urban had sent the pall to the king; and that it was reasonable he should at least pay as much to that prince, as it would have cost him to have gone in person to fetch it from Rome. He was not a little surprized at this information: yet though he saw by it that the courts of England and Rome were even better agreed than he had wished, and that the latter had not treated him with the regard he deserved in this affair, he persevered in refusing to give the king any money, notwithstanding the urgent advice of all his brethren; so that William, in the end, despairing to sell, consented to give him the pall. But Anselm conceived, that to take it from his hands would be a kind of acknowledgement of having received it, not from the papal, but regal authority; and

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therefore refused it. After some altercation upon this delicate scruple of conscience, in which the archbishop's zeal for the papacy exceeded that of the pope himself, it was ended at length by an expedient of a new and singular nature. The pall was laid on the high altar of Canterbury, and Anselm took it from thence, *as from the bands of St. Peter.*

Eadm. hist.
nov. l. ii.
p. 33. sect. 20.

Idem, p. 37.

All was now quiet between him and his master. Many of the nobility had made themselves intercessors for him, and, to obtain a reconciliation, had persuaded him to give his faith to the king, that he would obey and maintain the royal customs and the laws of the realm. Upon this promise, which seemed a security against any future disputes, William received him into favor; but soon afterwards at his return from a war against the Welsh, he complained, that the men, whom the archbishop had provided for that expedition, were neither so well accoutred, nor so fit for the service, as they ought to have been; and summoned him to be ready to answer that charge in his court. Anselm said nothing; but in his own mind he determined not to obey. Accordingly, at the next meeting of the great council, there being some talk of bringing on the affair with which he had been charged on the part of the crown, he applied to some of the chief nobles, and by them acquainted the king, that being compelled by most urgent necessity

necessity he desired his leave to go to Rome. The king, surprized at the message, sent back a denial; saying, "He did not believe that the archbishop was guilty of any such heinous crime, as to be obliged to fetch absolution for it from Rome; and that, in the opinion of all men, he was as able to advise the pope, as the pope to advise him." Nevertheless that prelate renewed his petition again and again, though the charge against him was dropt. William at last grew impatient, and sent him word, that, if he did go to Rome, he would seize his temporalities, and acknowledge him no longer for his archbishop: notwithstanding which he persisted, and even declared, *that, if the king would not give him leave, he would take it: for it was better to obey God than man.* The bishop of Winchester told him, that the king and the barons knew him to be obstinate in all his purposes; but they could not believe he would persist in this point of going to Rome, at the expence of losing his see. I will persist, replied the undaunted prelate. Which being reported to William, while he and his barons were consulting about it, Anselm thought it proper to enquire of the bishops, whether they would stand by him in this dispute, or no. After some deliberation, they frankly told him, *that they could not come up to his sublimity, nor would transgress against the fealty which they owed to the king.* His answer was, "Do you then go to *your lord*, and I will adhere to God." Hereupon they

all left him, and soon returned with a message from the king to this effect; That, whereas the archbishop had broken the promise solemnly made to him at their reconciliation, by declaring a peremptory and fixed resolution of going to Rome without his leave, against the known customs and laws of the kingdom, which that prelate had bound himself to obey and maintain; lest this unheard-of presumption should be drawn into a precedent, he now commanded him, either to take an oath, that he would never appeal to the pope in any cause, or to depart immediately out of the realm; and even required, that, if he did consent to that oath, he should make him satisfaction for the trouble he had given him in this affair. Anselm sent no answer, but came to the king in his great council, and pleaded there, that, when he had promised to obey and maintain his customs and laws, the engagement extended only to such as were *rightfully constituted and according to God*. The king and the barons absolutely denied, that there had been any mention made of such a distinction in that promise; to which he answered, that it was *understood*, if not *expressed*; for, if there were in the kingdom any customs or laws repugnant to justice or the divine will, no Christian was obliged to obey or maintain them. And he pronounced that law, which denied him the liberty of going to the pope, to be *neither just nor agreeable to the divine will*; declaring that *it ought to be despised and rejected by every servant of*

of God. As for the oath the king required, he said, *to swear that, would be to abjure St. Peter and Christ.* The final conclusion was, that he would go to Rome; and with this declaration he left the council. But some noblemen were sent after him, to let him know, that, if he went out of the kingdom, the king would not suffer him to carry any thing of *his* along with him. The archbishop replied, that he had horses, cloaths, and other goods, which perhaps the king might say were *his*, and, if he did not allow him to carry away those, he would go naked and on foot, rather than desist from his purpose. Before he departed, he returned to the king, recommended him to God, and gave him his benediction. Then taking the scrip and staff of a pilgrim, he left the realm. As soon as William heard that he had passed the sea, he ordered his goods and revenues to be all brought into the exchequer.

When Anselm had travelled as far as Lions, Eadm. hist. nov. l. ii. p. 43. he wrote a letter to the pope, in which he set forth how much against his own will he had been made archbishop of Canterbury, how unfit he found himself for it, and how many troubles he had endured in it, without having ever been able to do any good; insomuch that, out of regard to the peace of his conscience and safety of his soul, he would rather chuse to die abroad, than live any longer in England, seeing many evils which he ought not to tolerate, and could not correct. He then

complained of the king, not only for keeping the vacant sees too long in his hands, and giving to his soldiers the lands of the church, but for exacting from him *grievous services unknown to his predecessors*, and overturning the *law of God* and *canonical* and *apostolical authority* by his *arbitrary customs*. The *services* which William exacted, and Anselm branded as contrary to the divine law and the canons, were those required of the bishops in right of their baronies; which, though they had been *unknown* to their Saxon predecessors, were now an established part of the English constitution. And therefore to appeal against them to the papal authority was an act of high treason, as it subjected the legislature of England to that authority in a matter of state. William Rufus indeed had extended his demands in several articles, beyond the bounds assigned by the legislature: but Anselm's complaint (as appears by the words of it) was no less against the military services, enacted by parliament in the foregoing reign, than the illegal exactions of the present king: and the foundation of it was a supposed contrariety to the law of God, not to the law of the land. Having thus mentioned these services among the abuses he desired to reform, and having acquainted the pope, that, in order to ask his advice upon the difficulties he found himself in, he had applied for the king's permission to go to Rome, but had been refused, and had gone in spite of that prohibition: he concluded his letter with

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two requests; first, that the pope would be pleased to release him from his archbishoprick, in which, he said, he despaired of doing his duty or saving his soul; secondly, that his Holiness would take care of the church of England, by his own prudence, and by the authority of the apostolic see.

From the whole turn of this letter, as well as from the character he always maintained, there is reason to believe, that he was an honest and pious, but narrow-minded man, who acted purely from a misguided conscience, according to the divinity then taught in the schools, which he understood better than either the principles of civil government, or the constitution of England. And it grieves one to see so much spirit and resolution so ill employed. But it was one of the greatest misfortunes attending the corrupted state of religion, in those times and long afterwards, that piety and virtue were drawn away from their natural and proper course: so that men of the best dispositions were often made instruments of pernicious designs; and the publick was not only deprived of the benefit which it would have derived from their goodness, but frequently suffered by it, in proportion to the power with which they were armed.

After having made some stay in France, Anselm went to Rome, where he was received with very great and extraordinary honours as primate of England, and as the pope's faithful champion and martyr; besides the regard

Eadm. hist.
nov. l. ii.
p. 48, 49, 50,
51, 52.

paid to him on account of his learning. Rome was indeed the proper place of abode for one of his character; and he was so sensible himself of his unsuitness for the world, so weary of England, and so desirous of enjoying a monastick retreat, that he again most earnestly begged of the pope, to give him leave to resign his archbishoprick, as a burthen that was too heavy for him to bear. His Holiness would not consent to dismiss from his service so approved and useful a servant: but ordered him to attend at the council of Bari, which was ready to assemble, and promised him there a full redress of all grievances, as well with relation to the church, as to himself. The council, in fact, was so offended at the conduct of William, that he would have been excommunicated by it, if the archbishop himself had not fallen on his knees before the pope, and interceded with him for a delay of the sentence. On that pontiff's return to Rome, a minister came to him there, with an answer to letters he had sent to the king of England some time before, requiring him to restore the archbishop's goods, which he had seized. The answer was only, that he was astonished at such a demand from his Holiness; as he had done nothing but what he was by law impowered to do, upon that prelate's having presumed to go out of his kingdom without his leave. The pope asked whether the king accused the archbishop of any other offence? and being told he did not, he said

said it was a strange and unheard-of proceeding, that a primate should be thus despoiled of his goods, because he would not omit to visit that church which was the mother of all churches; and, expressing his wonder, that William should send a minister to him, with no better a justification of what he had done, bid him return, and let his master know, that, if he did not make a full restitution of all he had taken from Anselm, before the next Easter, a sentence of excommunication would be then passed against him in a council which was appointed to be held at that time in the city of Rome. The envoy begged of his Holiness that, before he departed, he might be admitted to a secret conference; which being granted, he found means to obtain for his master a further delay, till the Michaelmas following; before which the pope died; and Anselm remained in exile, with only the name of archbishop of Canterbury, till the death of the king, which happened, however, within less than a year after that of Urban. So well did William Rufus maintain those prerogatives, which were the great barriers set up in this kingdom against the encreasing ambition of the see of Rome, and which Henry the Second confirmed by the constitutions of Clarendon! But the contest was easier, in the beginning of the papal encroachments upon the rights of the English crown, than when they had gained that strength and authority, which,

which, to the shame of human reason, they soon acquired.

A very fortunate incident in favour of William was the design formed by Urban, of uniting all Christendom in that marvellous league, called the *Holy War*, or *Crusade*, for the recovery of Jerusalem and the tomb of our Saviour out of the hands of Mahometans; a design, which obliged the projector to raise no disturbances in the dominions of any Christian prince, and of too much use to the papacy to be then interrupted by any other object.

Sim. Dunelm. Nor was the quiet he gained by it the only
Orderic. Vit. advantage this able monarch drew from it.
l. ix. p. 724.
subann. 1096. He had too much sense, or, perhaps, too little devotion, to engage in it himself: but his brother Robert going into it with ardor, and wanting more money, to enable him to bear so great an expence, than his own exhausted exchequer could supply, William agreed to furnish him with ten thousand marks, equivalent to a hundred thousand pounds in these days, by the help of a tax, or benevolence, illegally raised upon his English subjects; and in pledge for the repayment of it got full possession of the dutchy of Normandy, great part of which, either by intrigues, or by force, he had taken from his brother before this event.

The share the clergy bore of this tax was so heavy upon them, or they were so unwilling to bear it, that the bishops and abbots came to court, in order to make their complaints, and beg some relief, declaring it was impos-

impossible for them to pay it, without ruining their farmers, already impoverished by former exactions, and absolutely driving them out of the kingdom. The king's ministers asked, whether they had no caskets of silver or of gold, full of the bones of dead men (meaning the relics of saints preserved in their churches); and with that question dismissed them. Upon which, most of the plate and valuable ornaments of the churches were sold, in order to raise this supply. The king thought himself happy to obtain by such means the possession of Normandy, hoping that Robert would never return from the East, but either die, or settle there, and leave him the dutchy. This acquisition, instead of contenting his insatiable ambition, opened to him greater views. Abbot Suger, first minister to Louis le Gros, says, it was commonly reported in France, that William aspired to secure to himself the eventual succession to the crown of that kingdom, in case that Louis, who had then no issue, and was thought not likely to live, should die before his father king Philip; the two sons of that monarch by Bertrade of Anjou being regarded as spurious. And from Suger's expressions it is plain that he himself believed this report. He adds, that after William had violently agitated himself and his people, for three years together, in pursuing this hope, he gave it up, finding both nations equally averse to him in it: "Because (says that author) it is not agreeable to nature or reason, that
 " either

V. Suger in
 Vit. Ludov.
 Grossi Regis,
 c. i.

“ either the English should be subject to the French, or the French to the English.” But fortune, as if to comfort him for this disappointment, presented to him immediately another great object.

V. Malmsh.
l. iv. de Wil.
II. f. 71.
Huntingdon,
sub ann. 1100.

William the Eighth, duke of Aquitaine, who went to the holy war four years after Robert, and wanted money no less than he, treated with William Rufus to obtain a supply upon the same conditions, that is, by mortgaging his dutchy to him. The agreement was made; and the king would have been soon in possession of Aquitaine, as well as of Normandy, if, in the midst of his projects, and in the height of his glory, while his heart was dilated with the greatest excess of arrogance and presumption, a sudden and violent death had not deprived him of all his dominions, and laid him on the earth an example to mankind of the vanity of ambition.

V. authores
citatos ut
suprà;
et S. Dunelm.
et Flor. Wi-
gorn. sub
eodem anno.

V. Eadmer
hist. nov.
p. 54. l. ii.

It is not certainly known by what means he died. The received opinion is, that as he was hunting in the new forest with Sir Walter Tyrrel, a French knight of Pontoise, whom he had lately entertained in his court, an arrow shot at a deer by that gentleman struck him in the breast, and pierced his heart. But Eadmer, a contemporary writer, informs us, it was the more general belief of those times, that he accidentally stumbled with an arrow in his hand, and, falling upon it, drove the point through

through his own breast. We are also told by V. Suger in vit. Lud. Grossi Regis, c. 1. Abbot Suger, that he had often heard Sir V. Joan. Sarisb. par. ii. de vitâ Au- selm arch. Cantuar. c. xii. Walter Tyrrel affirm with the most solemn oaths, at a time when he had nothing to hope or fear on this account, that he did not come all that day into the part of the forest where the king hunted, or see him there. And John V. Joan. Sarisb. par. ii. de vitâ Au- selm arch. Cantuar. c. xii. of Salisbury, comparing the death of Julian the Apostate with that of this monarch, says it was equally doubtful, at the time when he wrote, by whom either of them was killed. Perhaps the arrow that slew William Rufus was neither his own, nor Tyrrel's; but came from the hand of some other person unknown, who was instigated to aim it at the breast of the king by private revenge for a private wrong. The reputation of his successor, I think, is too good to admit a suspicion, which might otherwise be conceived, that he knew better than the public how his brother was slain.

As Tyrrel was much in favor with William Rufus, he could not have any personal malice against him; nor do I find it intimated by any historian, that he ever received any advantage from his death: and therefore, if he was really the person who killed him, one can hardly imagine that it was by design. His flight indeed may seem to fix the deed upon him; nor does his perseverance in denying it afterwards amount to a proof of his not having done it; because he might think, with good reason, that

that it could never be prudent or even safe to confess it in any situation. If he could have shewn, by any other testimony than his own word, that he was in another part of the forest during the whole time of the king's being there, he would have been under no necessity of quitting the kingdom ; but, as it might be difficult to make that appear, the mere apprehension of being brought into trouble and danger about it might occasion his flight. It seems evident that the king had no other attendants at the time when he received the fatal wound ; for, otherwise, the means by which he received it could not have been doubtful. The wood of the arrow was broken down to the place where it entered the flesh, probably by his own hand in endeavouring to draw it out ; but the iron point remained deeply fixed in his breast. Some colliers, who happened then to pass through the forest, saw the corpse of their dead sovereign, and put it, still bleeding, into a cart they had with them, which brought it to Winchester, where it was hastily buried, without any royal pomp, or even a decent attendance, on the following day.

The character of this king has been too much depreciated by many historians. It was, no doubt, very faulty ; yet, notwithstanding all his faults, he was a great man. In magnanimity, the first of royal virtues, no prince ever excelled him, and few have equalled.

For

For proof of this I shall here relate some particular facts, which I could not so properly mention in giving a general view of this reign. V. Malmfb.
l. iv. de W. II.
f. 68.

While he was besieging Mont St. Michel, a fortress in Normandy, which was held against him by Henry, his younger brother, a small party of horse belonging to the garrison approached near his camp; at the sight of which being transported by the ardor of his courage, he furiously advanced before his own troops, and charged into the midst of them. His horse was killed under him; and the soldier, who had dismounted him, not knowing who he was, dragged him by the foot on the ground, and was going to slay him, if he had not stopt the blow, by saying to him, with a tone of command, not supplication, *Rascal, lift me up: I am the king of England.* At these words, all the soldiers of Prince Henry, his brother, were struck with awe, and reverently raising him up from the earth brought him another horse. By this time his own forces were come to his succour in such numbers, that the little band of the enemy could make no resistance, much less carry off the king as their prisoner. That prince, seeing this, vaulted into the saddle, and casting his eyes, which sparkled with fire, all round about him, asked, who it was that unhorsed him? For some time all were silent; but, at last, he who did it answered, *It was I, who did not suppose you to be a king, but an ordinary knight.* By the face of our Lord, replied William with a smile,

See Malmfb.
de Will. II.
l. iv. f. 67, 69,
70.

a smile, *thou shalt henceforth be my soldier, and receive from me the recompense thy valour deserves.* But the answer he made to a bravado of the earl of la Flesche is a still nobler instance of his magnanimity. That lord, his competitor for the earldom of Maine, being taken prisoner by him, and received with an insult, said, with a spirit superior to fortune, *An accident has made me your captive; but could I recover my liberty, I know what I should do.— You know what you should do!* replied the king. *Be gone: I give you leave to do your utmost; and I swear to you, that, if you overcome me hereafter, I will ask no return from you, for having thus set you free.* With these words he dismissed him: an action of heroism that would have done honor to Cæsar, *whose soul* (says one of the best of our ancient historians) *seems to have transmigrated into this monarch!* He likewise acted and spoke in the spirit of that Roman, when, from his ardor to relieve the city of Mans, besieged by the earl of la Flesche, he passed the sea in a violent tempest, saying to the sailors who warned him of the danger, *that he never had heard of any king having been drowned.* Nor did he less resemble Cæsar in liberality, than in courage, and greatness of mind. He gave without measure, but never without choice; distinguishing merit, and fixing it in his service by means of his bounty; that merit especially which was the most necessary to support his ambition, eminent valour, and military talents. In the magnificence of his court

Malmfb. f. 70.
ibidem.

Suger in vita
Lud. Grossi.

Malmfb. l. iv.
f. 69.

court and buildings he greatly exceeded any king of that age. But, though his profuseness arose from a noble and generous nature, it must be accounted rather a vice than a virtue; as, in order to supply the unbounded extent of it, he was very rapacious. If he had lived long, his expences would have undone him: for he had not, as Cæsar had, the treasures of the world to support his extravagance; and it had brought him some years before his death into such difficulties, that, even if his temper had not been despotick, his necessities would have made him a tyrant.

His soul was all fire, perpetually in action, undaunted with danger, unwearied with application, pursuing pleasure with as much ardour as business, but never sacrificing business to pleasure; addicted to women, yet without any tenderness or fixed attachment, rather from a spirit of debauchery than from the passion of love. He had many *concubines*, but no *mistress*; and never would marry, for fear of subjecting himself to any restraint.

Nevertheless, the vivacity of his temper and the quickness of his parts were balanced by the solidity and the strength of his judgement: so that, although he was very eager in all his pursuits, he directed them with great prudence, excelling still more in policy than in arms. He had not indeed any tincture of learning; but he had studied mankind, and knew them well, under all disguises; covering himself with a deep dissimulation where it

Order. Vital.
l. x. p. 763.
Gul. Neubri-
tenderness or fixed attachment, rather from a
genf. p. 358.
subann, 1087.

Malmf. l. iv,
de Gul. II.
f. 67. 69, 70,
Orderic. Vit,
p. 680.

was necessary, and the more dangerous in it from an appearance of openness, heat, and passion; imperious and absolute, so as to endure no contradiction or stop to his will, when he had power enough to enforce obedience; but pliant and soothing, when he wanted that power: in publick maintaining his majesty, not only with state, but with pride; yet in private, among his friends, and those whom he admitted to a familiarity with him, easy, good-humoured, and often more witty than is proper for a king.

His person was disagreeable, and his elocution ungraceful: notwithstanding which imperfections, he carried all points he had at heart, more by the arts of insinuation and address than by force.

Considering how much he owed to the clergy in obtaining his crown, it is no little proof of uncommon abilities, that he wore it without any dependence upon them, and entirely subjected their power to his own. But not content to govern the church, he tyrannized over it, as he did over the state. Nor would he constrain himself to that outward shew of reverence for ecclesiasticks, which his father had always paid to them, even while he oppressed them: and this was certainly one principal cause, why the monks, who have transmitted his character to us, accuse him so heavily of being irreligious.

That all the strange stories, related by those Historians, of his open impiety, are strictly true, it is hard to believe; because one would imagine that his good sense alone must have taught him some respect for the forms of religion, in an age, which demanded *that*, and demanded *no more*. Yet, though the charge may have been aggravated, it was not wholly groundless. His mind was too penetrating not to see the depravity of what was then called religion, and his heart was too corrupt to seek for a better. We are told, indeed, that, in a dangerous fit of sickness, he expressed remorse for the offences of his past life, and promised amendment; which shews at least that he had in him no settled principle of absolute infidelity: but he had not any such steady sentiments of faith or piety, as could be a restraint on his passions. So that the impressions made in his illness were soon obliterated by the return of his health. There was also a levity and petulance in his wit, which often gave his conversation an air of profaneness beyond what he seriously thought or meant. He paid so little respect to the oaths he had taken, that he seemed to consider them as mere forms of state, or arts which policy might employ, and dispense with, at pleasure. All his vices were publick, and he did infinitely more harm by the bad example he gave, and the indulgence he shewed to the enormities of others, than by his own. He not only tolerated, but encouraged in his court,

See Eadmer.
hist. nov. l. ii.
p. 47. 48.
See Malmsh.
f. 69. de
Will. II.

See Hunting.
l. vii. f. 216.
Neubrigenfis,
Malmsh. l. iv.
f. 69. 70. 71.

and (what was yet worse) in his army, the most unbridled profligacy of manners; relaxing all discipline, civil or military; and hardly punishing any crimes, but rebellions and treasons against himself, or the breach of the forest laws, which had been made by his father, and of which he had solemnly promised a remission to his subjects. These he enforced with a cruel rigour; but other offences were either winked at, or the offender bought-off the punishment. So that the misery of England was compleat in this reign: for the nation was now a prey to licentiousness, as much as to tyranny, suffering at once the disorders of anarchy and the oppressions of arbitrary power. The army of William the First had been under the curb of a strict discipline; but that of William Rufus, like a wild beast unchained, was let loose, to infest his peaceful subjects. The young nobility were bred up in debauchery; luxurious, effeminate, and guilty even of lusts which nature abhors; despisers of order, law, morality, and no less proud of their vices than of their birth. But happily the life of this prince was too short to extend the corruption to the body of the people: and therefore the commonwealth recovered again, when the succeeding monarch applied to it such remedies of wholesome severity, as the distempers contracted by it required.

A. D. 1100.
Hen. I.

At the death of William Rufus, his brother Duke Robert was in Apulia, upon his return from

from Jerusalem, in the conquest of which he had done very great actions, and gained a reputation for valour and conduct, equal, if not superior, to that of any of the princes associated with him. But that he was offered the kingdom of Palestine, and refused to accept it; as William of Malmfbury and some others have pretended, I very much doubt: for no mention is made of it by any of the writers who were then present there, or by William archbishop of Tyre, the best-informed of all those who afterwards treated that subject. In the account the latter gives of Godfrey's election, he says indeed, that most of the nobles inclined to chuse the earl of Toulouse; but takes no notice of Robert, as having been thought-of in competition with Godfrey; which he would not have omitted, had there been any foundation for such a report. As this prince was returning home, he stopt in Apulia, and married there Sibylla, the daughter of the earl of Conversana, a Norman nobleman of the family of the brave Robert Guiscard. She was the most celebrated beauty in Europe, and brought him for her portion a great sum of money, with which he proposed to redeem his dutchy of Normandy, mortgaged to William Rufus. But, in the mean time, that king was slain, and Henry, his youngest brother, being present in England, aspired to the crown. This prince had received in his youth such a tincture of learning, that he got the name of *Beauclerc*, a title very extraordinary for any

See Malmfb.

l. iv. f. 86.

See Petri Tu-

debodi hist. de

Hierosol. itin.

l. v. et Pul-

cherii Carnot.

hist. Hierosol.

l. i. sub ann.

1099.

Gul. Tyrius

de bell. sacr.

l. ix. c. 2.

Malmfb. l. iv.

f. 86.

Malmfb. l. v.

f. 87, 88.

Ord. Vital.

l. viii. p. 665.

672. 689, 690,

lay- 691. 697.

lay-man, but much more for the son of a great king, to obtain, in that ignorant age. This was no mean endowment, and he made a good use of it: but he had others still more valuable, great natural strength and soundness of mind, a cool head, a firm heart, activity, steadiness, knowledge of business, of war, and of mankind. After the death of his father he had been very ill treated by both his brothers: for Robert had taken from him, without asking his consent, and while he was absent on the service of that prince himself, a large sum of money, which, with the lands that had belonged to his mother in England, was his whole portion; and had applied it to pay some mercenaries, hired against William Rufus: but, afterwards, when he had made his peace with that king, Henry obtained of him, by way of compensation, a third part of Normandy; that is (I suppose) a feudal grant thereof, under homage and fealty, not as a distinct and separate state. This having ended their quarrel, Henry went into England, to solicit William Rufus for his mother's lands. The king received him with kindness; and made him fair promises; but yet he did not give him the estate he demanded, having disposed of it to one of his favorite barons. Nevertheless the duke of Normandy conceived so much jealousy of Henry's having intrigued with that prince to his prejudice, that, upon his return into Normandy, he shut him up in the castle of Rouen, and kept him there half a year:

See Ingulph.
sub ann. 1087.
Malmsh. l. v.
f. 87, 88.

Vid. aucto-
res citatos ut
s. præ.

a year: after which being set free, he returned into England, upon an invitation from William, but could not obtain the estate he claimed: so that being disgusted with him no less than with Robert, he went back into Normandy, and, trusting to neither, resolved to do himself right. With this intention, and by the help of some friends, he possessed himself of Avranches and several other towns, which were part of the mortgage assigned to him before. But Robert, having discovered a conspiracy formed by some of the Normans, to deliver the city of Rouen, and his person itself, into the hands of William Rufus, had recourse to Henry, and asked his assistance against the perfidy of their brother. That prince might have been justified in rejecting his suit; but he granted it frankly, with a noble forgiveness of all his former injuries; and served him so well, that, having defeated the rebels, he took the chief of them prisoner, and, without further process, threw him down headlong, from one of the windows of the high tower of Rouen, with his own hands; saying, that mercy was to be shewn to fair enemies, but that a vassal guilty of treason ought to be put to death, without being allowed a moment's respite. Whatever justice there might be in this act, it would have been much better executed by other hands, and by due course of law; but he was apprehensive, that, if any time should be given to the traitor, it would be employed to procure a pardon from Robert, who, by the excess of his lenity, per-

petually endangered himself and his subjects. One should have supposed that such a service, so generously performed, would have secured him from any hostilities on the part of the duke of Normandy. But the sentiments of that prince were in the power of his favorites, by whose advice he soon afterwards joined with William Rufus, to make war upon Henry, and strip him of all that he possessed in the dutchy. Henry stood a siege in the strong fort of Mont St. Michael; but after a brave resistance, which raised his reputation, he was obliged to surrender it, upon no better conditions, than safety and freedom to himself and his garrison, which were willingly granted.

Vid. authores
citatos ut su-
pra.

It is said, that, during the siege, being in great want of water, he sent to Robert, and told him, it was impious in his own brothers, to deprive him of a benefit common to all mankind; and that they ought to endeavour to overcome him by valour, not by means which could do them no honor. Upon this message, the duke permitted him to take the water he wanted, which William reproaching him for, as a weak and ill-timed concession, *How am I to blame?* answered he; *should I have suffered our brother to die of thirst? what other have we, if we had lost him?* Words that were much celebrated at that time in the world, as shewing an excellent nature. But William derided his easiness, as proceeding from folly rather than from goodness. Indeed it was not to be thought, that Henry would have obsti-
nately

nately perished by thirst, rather than surrender the fort to his brothers: and therefore Robert, by this indulgence, only protracted the siege, and gave him the means of capitulating on better terms.

Being now deprived of all his possessions, the persecuted prince took refuge in Bretagne, and then in the French Vexin: where having remained about a year, he again thought it necessary to change his abode, and wandered over the provinces of France, with only one knight, a chaplain, and three squires, attending upon him, exposed to all the hardships of want, and learning in adversity patience and fortitude, virtues which he could not so perfectly have acquired, if he had been always nursed up in the favors of fortune. But while he was oppressed by his brothers, and reduced to a state so much below his birth and merit, the citizens of Dumfront, incensed against their lord, Robert de Belesme, earl of Shrewsbury, who had most grievously tyrannized over them, and convinced that they should obtain no redress from Duke Robert, did themselves justice, expelled the earl, and offered their town, one of the strongest in Normandy, to the exiled prince. He accepted their offer, and, with the assistance they gave him, made for some time a successful war against both his brothers, who then had agreed to share the duchy between them: but when the duke took the cross, a reconciliation ensued between William and Henry, the former consenting to confirm
to

Ord. Vital.
l. viii. p. 698.
706.

Ord. Vit. l. x. to the latter all that he had gained. After this
p. 782, 783. they went to England; most fortunately for
Malmfb. l. v. Henry, who being in another part of the forest

f. 88. when his brother was killed, as soon as the
Huntingd. news was brought to him, lost not a moment;

subann. 1100. but, taking advantage of Robert's absence, laid claim to the crown, and going directly to the castle of Winchester, where the *regalia* were kept, demanded the keys. William de Breteuil, to whose custody the late king had entrusted the castle and royal treasure, stoutly resisted him, told him that Robert was his elder brother, reminded him of the homage they both had done to that prince, and said, that they ought to preserve their fidelity to him, absent as well as present; especially when his absence was occasioned by his zeal for the service of God. The dispute growing warm, and many of the barons and people gathering round them, Henry drew his sword; whereupon all the chief counsellors of the late king, particularly the two earls of Meulant and Warwick, men of the greatest authority in the nation, interposed, and prevailed on William de Breteuil to submit. Having carried this point, and seen his brother's corpse interred, which was done the next day, Henry hastened to London, where he was elected king of England by the great council, and was crowned in Westminster Abbey on the following Sunday, being the fifth day of August, in the year of our Lord eleven hundred.

A. D. 1100.

The

The sudden and easy consent of the Normans and English to this revolution, by which Duke Robert was again set aside from the throne of this kingdom, and at a time when the great honour he had gained in the holy war was fresh in the minds of men, appears somewhat surprising. As the death of William Rufus was an event quite unexpected, Henry had not thought of forming any faction. The treasure left by his brother could not go far in purchasing friends for him, as that king was too profuse to have much in store: nor is it said by any writer who lived in those times that he owed his election to bribes. But it was a great advantage to him, that those who had been warmest in supporting William Rufus against Robert in England had reason to apprehend the resentment of the latter; which must have rendered them unwilling to trust him with power; and the manner in which he had governed the dutchy of Normandy afforded a strong presumption of his unsuitness to govern England. Henry had shewn great talents for government; and some stress was ^{v. Malmsh.} laid on the circumstance of his having been ^{l. i. f. 87.} born in England after his father was king. Yet he saw that the surest method to conciliate to himself the favour of the nation, would be the holding out to them such national benefits as should make his interest that of the public. Their submission under the tyranny of the two first Norman kings had been owing to circumstances of a transient nature, not to any rooted and

and permanent cause. They still retained a passion for liberty, natural alike to the Normans and English. In the present conjuncture, their mutual distrust and fear of each other, which had been the principal reason that hindered their uniting in defence of their privileges, gave way to a strong and equal desire in both, of reducing the royal authority to such limitations, as, without destroying the feudal system established in England by William the First, from which the Norman nobility could not be inclined at this time to depart, might alleviate the heavy burthens with which it was loaded, and put an end to that despotism, which was no less insupportable to the great Norman lords, than to the inferior gentry and commons of England. So strong was this desire, that neither the *eldership* of the duke of Normandy, which, though it did not, in those days, convey an *absolute right* to the crown, was yet a *powerful recommendation*, nor a solemn treaty made with him, and confirmed by the barons, which had settled the crown upon him if William should die without a son, nor his meritorious and honourable share in the conquest of Palestine, could stand in competition with the offer of Henry, to abolish all the evil customs that had prevailed in the late reign, and to establish in the realm the best laws that had ever been given under any of the kings, his predecessors. This, together with the reasons assigned before, raised this prince to the throne, in prejudice to his brother, whose legal

See Flor. Wigorn. sub ann. 1091.

Chron. Sax. sub ann. 1100.
Matth. Paris, sub eodem ann. p. 38.

legal title to it, could not be disputed. For, whatever right of *election* might be in the parliament, that right was barred by the abovementioned treaty. But in vain did a few Normans, more regardful of justice and of good faith than the rest, or more attached by their own interest to the party of Robert, strongly protest against this act. The nation resolved to give the crown to a prince, who should acquire and hold it under no other claim than a *compact* with his people: and though it would be difficult to justify their proceeding, either in conscience or law, their policy may perhaps be accounted not unwise; as it made the title of the king become security for the liberty of the subject. To give that liberty a more solid and lasting establishment, they demanded a *charter*; which Henry granted soon after his coronation, as he had sworn to do before he was crowned. By this he restored the Saxon laws which were in use under Edward the Confessor, but with such alterations, or (as he styled them) *emendations*, as had been made in them by his father with the advice of his parliament; at the same time annulling all evil customs and illegal exactions, by which the realm had been unjustly oppressed. Some of those grievances were specified in the charter, and the redress of them was there expressly enacted. It also contained very considerable mitigations of those feudal rights claimed by the king over his tenants, and by them over theirs, which either were the most burthensome in their

Ord. Vit. et
Matth. Paris,
sub ann. 1100.

Hagustald.
P. 310, 311.

See the charter in the Appendix, p. 476.

their own nature, or had been made so by an abusive extension. In short, all the liberty, that could well be consistent with the safety and interest of the lord in his fief, was allowed to the vassal by this charter, and the profits due to the former were settled according to a determined and moderate rule of law. To use the words of one of our greatest antiquaries, Sir Henry Spelman, *It was the original of King John's Magna Charta, containing most of the articles of it, either particularly expressed, or in general, under the confirmation it gives to the laws of Edward the Confessor.* So mistaken are they, who have supposed that all the privileges granted in *Magna Charta* were innovations extorted by the arms of rebels from King John! a notion which seems to have been first taken up, not so much out of ignorance, as from a base motive of adulation to some of our princes in latter times, who, endeavouring to grasp at absolute power, were desirous of any pretence to consider these laws, which stood in their way, as violent encroachments made by the barons on the ancient rights of the crown: whereas they were in reality restitutions and sanctions of ancient rights enjoyed by the nobility and people of England in former reigns; or limitations of powers which the king had illegally and arbitrarily stretched beyond their due bounds. In some respects this charter of Henry the First was more advantageous to liberty, than *Magna Charta* itself.

See Spelman's
glossary, under
the words
MAGNA
CHARTA.

Nor

Nor was it only the sovereign and his subjects, who were thus linked together by this great bond of mutual obligation. From the obtaining of this charter must be dated the union of the Normans with the English, whose interests blended in it were for the future inseparably joined under one common claim of national rights. But no laws or privileges can make a people free, if the administration and spirit of government be not in general suitable to them. The conduct of Henry intirely corresponded with his engagements. He took off Hagustald. from his subjects all the burthens that had been p. 310. 311. illegally imposed upon them; he remitted all Ord. Vit. l. x. the debts that were due to the crown; and sub ann. 1100. (what was more popular still) he punished all Chron. Saxon. those who had made themselves odious by an Malmsh. abuse of their power, particularly Ralph Flam- Eadmer. sub eodem anno. bard, justiciary of England, and bishop of See also epist. Paschalis in Durham; the most acceptable sacrifice he Eadmero, l. iii. p. 63, could make to the publick resentment. At the same time that he imprisoned this prelate by the advice of his parliament, he recalled Anselm, and set him at the head of his ministry. This was an act very agreeable, not only to Rome and the clergy, whom it was necessary for him to court at that time, but to the whole English nation, whose favour Anselm had gained by having lost that of William, and who were then in a temper which inclined them to think, that whoever had suffered under the reign of that prince had suffered *for them*. Yet though Henry was willing to comply with their

their humour in this particular, he was far from intending to purchase the archbishop's friendship by giving up the rights of his crown, which the intemperate zeal of that prelate had disputed. For he knew how to distinguish between those abuses, which the clergy had justly complained of, under the government of his brother, and the due exercise of the royal authority: the former he redressed, by filling immediately, and without suspicion of simony, the several sees that were vacant at his accession to the crown, as well as by freeing the church from all arbitrary and oppressive exactions: but the latter he asserted, on many occasions, with great spirit and firmness, and was constantly supported in it by his parliament, with the concurrence of the English bishops themselves.

See Maitland's hist. of London, l. i. p. 29, 30.

Vid. authores citat. ut supra.

To conciliate the affections of the city of London, he gave them a charter, confirming to them the benefits granted by his father, with some very considerable additional favors. It was indeed so advantageous, that we need no better proof, how great the importance of that city then was, and how necessary he thought it to secure all the strength and influence of it to his own party. He crowned the whole by marrying Matilda, daughter of Malcolm the Third, king of Scotland, by the sister of Edgar Atheling; of which lady some account has been given before: a match that restored the crown of this kingdom to the Saxon royal blood, and united the king and his family after him to the people of England, by the

the most natural and pleasing tie, without which the coalition of the two nations must have been always imperfect.

Yet, though this able prince had thus taken all methods that wisdom could dictate, to keep himself firm in the throne he had ascended, he was soon in great danger of being expelled from it, by the defection of most of the Norman barons in England, upon the return of his brother from the East. As no reason appears why they should more distrust his sincerity, in the promises he had made and confirmed to them by a charter, or set less value on them now, than they had done when they unanimously gave him the crown; especially as his government had hitherto answered all they could reasonably expect or desire; it is not easy to account for this sudden revolt. The most probable cause of it appears to be this: When they chose him king of England, they hoped he would be able to make himself master of Normandy too, before Duke Robert should resume his authority there: but that prince unexpectedly coming back within a month after Henry was crowned, and being received in that duchy without the least opposition, those hopes were defeated; the consequence of which was, that the Normans in England, who had fiefs under him, apprehending the loss of them for what they had done against him, began to repent of their conduct, and, being all men of great power, had influence enough over

Ord. Vital.
Sax. Chron.
Eadmer. et
Malmfb.
sub ann. 1101.

Eadm. hist.
 nov.
 Ord. Vit.
 Saxon Chron.
 Huntingdon,
 et Malmsb.
 subann. 1101.

most of their countrymen, to prevail upon them also take part with Robert. But the English, attached to Henry, by his marriage with a princess of their own nation, as well as by his charter, and having no estates to forfeit abroad, adhered to him firmly; and the whole clergy were fixed to his side by the mediation of Anselm. That prelate, whose affections he had thoroughly gained, by recalling him from his exile, and promising to govern the church by his counsels, served him with a zeal that overlooked all objections, and bore down all opposition. Many barons, who had left him, were brought back again; the wavering were stopt; and the most determined adherents of Robert were intimidated by the resolution of the English, a great army of whom supported Henry in this quarrel, and braved the duke at the head of his Normans: while the archbishop of Canterbury employed his spiritual arms, and denounced the heaviest censures of the church against any who should continue to oppose a king in whose title he saw no defect; either not being so scrupulous in civil affairs, as he was where the interests of the church were concerned, or rather believing that a warm regard for those interests ought to be the only rule of his proceedings. Eadmer affirms, that the fear of excommunication greatly affected duke Robert, and that he consented to treat with his brother chiefly on this account. But whether he yielded to Anselm's threats, or whether the love of ease and pleasure, which

now

now possessed his whole mind, made him desirous of peace on any conditions, certain it is that he did nothing worthy of his former courage and reputation, but yielded the crown, which he came over to claim, without fighting a battle. All he obtained in recompence for it was a moderate annual pension (which he gave up the next year to Henry's queen) and the towns which that king was possessed of in Normandy, except only Dumfront, which Henry would not relinquish, alledging that he had given his word to the citizens, never to part with it, nor suffer their laws to be changed. The same stipulation was renewed in this treaty, as had been made in the former between Robert and William, that, if either he or his brother should die without leaving a lawful heir, the survivor should have a right of succession to all the dominions of both; and this convention was sworn to, as the former had been, by twelve of the principal barons of each party. Archbishop Anselm also engaged himself as surety for Henry, that he should govern according to his charter, which was indeed his best title, and better than any hereditary right in a prince who does not so govern. It was farther agreed, between the two princes, that all honours and lands confiscated, either in England or Normandy, on account of this war, should be reciprocally restored to their former possessors; which eased the nobles here, who had sies under Robert, from that apprehension of being deprived of

Ord. Vit. l. xi.
from p. 804.
to p. 809.
Malmsbury.

them for their adherence to Henry, which had been the great cause of their unprovoked revolt. Thus advantageously did this king secure to himself the crown he had gained; and not long afterwards, feeling his strength, he ventured to prosecute, and punish by fines, confiscations, or banishments, all the most active and powerful abettors of Robert's invasion. But he did it at different times, and under the colour of other offences, that he might not appear to infringe the indemnity he had formerly granted. Yet it was well understood; and the terror it gave deterred all his subjects from conspiring any more in behalf of his brother, who, from the weakness of his conduct in this attempt, and the subsequent ruin of his friends, became despicable to the whole nation. Most of the barons so punished were of the first rank in power and wealth, whose vast estates Henry divided among persons of lower birth, but good parts, who had shewn themselves zealously attached to his service, and by raising whom he balanced the greatness of the nobility established by his father, which was an object of jealousy to the crown. He observed the same policy in his whole government, depressing those who were dangerously powerful as much as he could, and advancing his own creatures at their expence: yet he did it so artfully, as to avoid any acts, which they could make the foundation of a publick complaint, with the law on their side; and against their secret resentments

See R. Hagustald. de gest. reg. Steph. p. 509. sub ann. 1135.

ments the friendship of the commons, which he particularly courted, kept him always secure.

Another great support of his government was the strict care with which he administered justice to his people. He made war upon vice, Malmsh. l. v. de Hen. I. f. 89. sect. 50. and thought the subduing of it within his realm, as far as the fear of punishment could subdue it, the noblest triumph a king can ever obtain. But it was not only vice that he had to contend with. Even the virtues of a bigot are sometimes as dangerous to the peace of a kingdom as the most profligate crimes. This Henry experienced in the conduct of Anselm. That prelate, whose religion was ever at variance with his civil duties, had, during his exile, assisted in a council held at Rome, by which all lay-investitures were Eadm. hist. nov. l. ii. p. 53. strictly forbidden, and excommunication was denounced against those who should either give or receive them, or consecrate any to whom they had been given; and, to complete the independence of the church on the state, the same sentence was likewise extended to all churchmen who should do homage to princes, *because (as the pope declared in that council) it was a most execrable thing, that those hands which had received such eminent power, above what had been granted to the angels themselves, as by their ministry to create God the creator of all, and offer up the same God, before the face of God the father, for the redemption and salvation of the whole world, should descend to such ignominy,*

miny, as to be put, in sign of subjection, into the hands of princes, which were daily and nightly polluted with obscenity, rapine, and blood. Upon the strength of this reason and the decree of the council, which had no better foundation, the pious archbishop, when recalled by King Henry, refused to do him homage. This incident not a little embarrassed that prince. Anselm was then very necessary to him, and a quarrel between them might have been very dangerous, while his power in England was new, and not fully settled. On the other hand, he was sensible, that the right of the crown in this point was of too much importance to be relinquished. His father and his brother had firmly maintained it against Gregory the Seventh and his successors hitherto; nor had any of their bishops denied it before. Even Anselm himself submitted to it without the least opposition, when he was promoted to Canterbury in the late reign; so that Henry, when he recalled him, had no apprehension of this dispute, and it now came upon him at a very improper season. Under this difficulty he condescended so far, as to apply to the pope for an acknowledgment of the rights of his crown; or rather he tried to gain time: for he was not ignorant what answer he was to expect. In return to his embassy, Paschal the Second sent him a long epistle, in which to many other strange arguments and most impertinent applications of Scripture, he added this, "That it was a monstrous thing for a

" for

Malmsh. de
gest. pont.
Ang. l. i.

f. 114. sect. 20.

Eadmerus.

Idem, p. 59,
60, 61.

“ son to beget his father, or for a man to
 “ make his God :” now priests in Scripture are
 called fathers and gods ; and therefore kings,
 who are but men, and their sons, cannot give
 them investitures. Such was the divinity and
 such the logick of Rome in those days ! But
 Henry, not being convinced by this reasoning,
 commanded Anselm either to pay him homage,
 and consecrate those who had lately received
 investitures from him, or leave the kingdom.
 He also wrote to the pope, that “ he would
 “ give him those honors and that obedience,
 “ which in his father’s time had been given to
 “ former popes, upon no other condition,
 “ than that the dignities, customs, and usages,
 “ which in their time had been enjoyed by
 “ his father in England, should be preserved
 “ unviolated to him. Be it known to your
 “ Holiness (said this wise monarch) that,
 “ while I live, I will suffer none of them to
 “ be diminished ; and should I so much debase
 “ myself (which far be it from me to do), *yet*
 “ *my nobility and the whole people of England*
 “ *will by no means endure it.*” The pope re-
 plied, that he would not yield to the king in
 this matter to save his life, and that *by the*
judgment of the Holy Ghost he had forbidden all
 investitures by princes. After much dispute,
 during the course of which Anselm had been
 obliged to go to Rome, and forbidden to re-
 turn any more into England, unless he would
 comply with the customs of the kingdom ; some
 of the king’s ministers having been excommu-
 nicated,

Brompton
 Chron. p. 99

Edm. p. 63.

Idem, from
 P. 69 to 91.

nicated, and he himself threatened with the like sentence, at a time when it would have probably done him great hurt in his temporal affairs; he was compelled to give up investitures; and the pope submitted to allow him homage from his bishops and abbots.

S. Dunelm.
Flor. Wigorn.
Malmsh. de
gest. R. A.

This accommodation was, doubtless, derogatory to the royal prerogative, and the right of patronage in the crown, of which investitures were the symbol. For, though the king had only yielded in a matter of form, which he possibly might think unessential, the clergy argued from thence to the substance. Yet this was rather felt by his successors than by him. And after the death of Paschal, Calixtus the Second, being much pressed by a schism, and wanting the protection of Henry against it, was persuaded to grant him a general confirmation of all the prerogatives his father had enjoyed in England and Normandy; and particularly of a right which had been lately contested with a good deal of warmth, viz. that of receiving no legates without their having been expressly desired by himself.

Eadm. l. v.
p. 125, 126.
S. Dunelm.
p. 241.
Hoveden,
annal. p. 1.
f. 272. c. 40.

This seemed a great victory obtained over Rome: but he had been prevailed upon, before Paschal died, to suffer a point of still more importance to the papal authority to be carried in England, which his agreement with Calixtus did not set aside, and which certainly his prudence should have resisted. He did not enough consider, how much the design of detaching the clergy from any dependence upon their own sovereign,

Malmsh. de
gest. pont.
Ang. l. i.
f. 129, 130.

sovereign, and from all ties to their country, ^{Huntingdon.}
 was promoted by forcing them to a life of ^{Eadmer.} celibacy; but concurred with the see of Rome, ^{Hoveden.}
 and with Anselm, its minister, in imposing that yoke upon the English church, which till then had always refused it. Indeed, he lessened the evil in his own times, by selling dispensations to such of his clergy as were willing to pay for the liberty of keeping their wives, and so converted this pretended reformation of manners into a profitable fund of wealth for himself: but still the canons exacting the celibacy of priests received the sanction of the royal authority, and were, after much reluctance, carried into execution. He was also ^{See Concil. M. Brit. t. i. p. 408.} prevailed upon to suffer a legate *à latere*, the cardinal of Crema, to preside in a council held ^{Gervase act. pont. Cant. col. 1663.} at London upon this and other matters, in derogation to the metropolitan rights of the archbishop of Canterbury; thereby confirming that dangerous and degrading subjection to the bishop of Rome, which his father had brought upon the church of England. Another hurtful innovation was also introduced, towards the end of this reign; an oath of direct *allegiance* ^{Sir R. Twiss, den's histor. vindication, chap. iii. n. 50.} to the pope being imposed on Rodolphus, archbishop of Canterbury, by which he swore to assist that pontiff and his successors, in defending the Roman papacy and *the royalties of* ^{Odoric Raynald. Ann. eccles. Stillington against Cressy, upon the penal laws against Papists} *S. Peter* against all men; and promised to them an unreserved obedience and *fealty*, without ^{p. 364, & seq. q.} even excepting that duty which he owed to the king. Indeed it was acknowledging the pope

pope for his sovereign. But, as this oath (which was afterwards extended to all prelates) was then only taken by archbishops at the time of receiving their palls, Henry might not be apprised of the true nature of it, or know of its having been administered to Rodolphus:

Pontifical.
Roman. p. 86.
to 97. Anrw.
2627.

and Burnet's
hist. of the
Reformation,
p. 123. vol. i.
Baronius ann.
1102.

Muratori,
tom. iii. p. i.
p. 366.

for, otherwise, it is probable he would have opposed it as much as the kings of Sicily and Poland, who strongly declared against it in their dominions. I have brought together all these matters, that I might shew, in one view, how the great controversy between the crown and the church was carried on in this reign, and shall now proceed to relate the most important and interesting of the civil transactions.

Order. Vital.
l. xi. p. 814,
815.
Malmsh. l. v.
f. 86. 88, 89.
G. Neubrig.
l. i. c. 3.

Robert, duke of Normandy, in all his conduct, was the reverse of his brother. He exhausted the whole wealth of that opulent dutchy in lavish bounties and grants, rather to impudence than merit, and not only gave his greedy courtiers and parasites all they asked, but allowed them to take, both from himself and his people, whatsoever they pleased. He so easily pardoned even the worst offenders, that under his government the guilty were always safe, the innocent never. His indolent life, perpetually immersed in sloth or riot, the factions his weakness encouraged, and the continual depredations of rebels and freebooters, who, not fearing the prince, despised the law, obliged many of his nobles, and the

the body of his clergy, to ask the protection of the king of England. This, in effect, was giving that prince the dutchy: for such is the usual course of things: the country, that has put itself under the protection of a powerful monarch, will soon be under his dominion. Robert indeed was become unfit to govern; yet it seemed hard and unnatural, that his own younger brother, to whom he before had ceded the crown of England, should now deprive him of the government of Normandy also, upon any pretence whatsoever. Henry himself could not do it without feeling some compunction. But he had a sermon of a Norman bishop, and the exhortations of the pope, to quiet his scruples: nor did he find any difficulty in obtaining the concurrence of his English parliament; the most powerful barons being always desirous, for their own private interests, to unite the two countries under the same master. The remembrance how ill he had been used by the duke in former times, the imprisonment, the exile, the indignities, he had suffered, might also steel his heart against any sentiments of affection or compassion towards that prince. Following therefore the dictates of his ambition, and colouring them with zeal for the good of the Normans, especially of the church, he fought a battle at Tinchebraye, in which he defeated the duke, and took him prisoner. This revolution happened in the year eleven hundred and six. Robert was carried a captive into
England;

Ord. Vit.
l. ii. p. 823.
Malmfb. l. v.
f. 87.

England; where he remained in confinement seven and twenty years, having, before this misfortune, lost all the reputation he had gained in the east, and proved that neither the most heroic valour, nor the best heart, can save from ruin a prince, who pardons every thing, and refuses nothing. Henry made his imprisonment as easy to him as possible, furnishing him with an elegant table, and buffoons to divert him; pleasures which for some years he had preferred to all the duties of sovereign power.

Ord. Vit.
l. xi. p. 821,
822.

The people of Normandy were infinitely benefited by the change of their master. The new duke, with the concurrence of the Norman legislature, confirmed his father's laws, resumed all the extravagant grants of his brother, which had brought the state into want, and promised to suppress, in all orders and degrees of his subjects, that rapine and violence, which the relaxation of the reins of government in the hands of Robert had produced. These engagements were punctually and honorably fulfilled. The highest rank could not protect, nor could any supplications

Malmfb. l. v.
f. 88, 89.
Ord. Vit.
l. xi. p. 821,
822, 823, 841.

or interest save, the principal authors of the former outrages and disturbances in that dutchy. The very dread of Henry's justice, upon the first news of his victory at Tinchebraye, drove many of them to seek a refuge in exile, from which they never returned; and some, whom he had made his prisoners in that action, he confined for their lives, though, to purchase

purchase their freedom, great sums were offered to him by their families or their friends: for, notwithstanding the bent of his nature to avarice, he had too much understanding to barter away the authority of his government and the safety of his people. But he shewed more compassion to the unfortunate Edgar Atheling, who was also his captive at Tinchebraye, and had particular reasons to apprehend his resentment. It seems, indeed, very wonderful, that this prince should have fought, in behalf of Robert, against Henry, who had married his niece, and lived in the most friendly alliance with his nephew, the king of Scotland. But there was in his character a certain sympathy with that of the duke, which made them fond of each other; and he appears, at all times, to have acted more from the impulse of inclination or humour, than from the dictates of judgment. After he had restored his nephew to the throne by the arms of William Rufus, he departed from Scotland, and went to the holy war, at the head of an army of twenty thousand men, who had been collected together, from that kingdom or the isles adjacent thereunto, and had taken the cross somewhat later than the others enlisted in that service. Being received with his troops into Laodicea, he held the city in the name of Duke Robert, till it was given up to its natural sovereign the Greek emperor, in order to procure for the Norman prince and his friends a safe return into Europe.

After

Malmsh.

l. iii. f. 58.

Ord. Vit.

l. x. p. 778,

779-

After their departure, he went from thence, at the head of his forces, into the Holy land, where without any great reputation (for history takes no notice of his actions) he served king Baldwin the First in some of his wars against the Egyptians and Turks. All we know is, that, having lost the whole army he had led into Palestine, he returned to England, and in his journey thither was received with peculiar kindness by the emperors of Greece and of Germany, who, out of compassion for the abject state of his fortune, and regard to his royal blood, offered to give him an honourable establishment in their courts, which nothing, it seems, but a passionate love to his country, made him reject : for he might have certainly lived with more dignity in any other part of the world, than where his ancestors had been kings, and he, who inherited all their rights, was a subject. Yet, fond as he was of England, he had not long enjoyed the pleasure of his return to that island, before some disgust, which he conceived against Henry, or his great affection for Robert, drew him from thence to the court of that unhappy prince, in whose calamity he was now involved. Henry, with mixed sentiments of pity and scorn, and from tenderness to his queen, who interceded for her uncle, permitted him to return in freedom to his country, where he grew old and died in an obscure retirement, being, from the meanness of his spirit, become as contemptible, as he once had been dear, to the English.

Chron. Sax.
p. 214.
subann. 1106.

Malmsh.
f. 58. l. iii.
de Will. I.

lish. He never married, nor do I find that he left any natural child ; but he had the satisfaction of seeing his nearest relations seated on the thrones of England and Scotland, over which countries their posterity have reigned to this day. Eadmer.
l. iii. p. 88.
Chron. Sax.

That King Henry might be enabled to acquire and retain the dutchy of Normandy, his English subjects were loaded with continual taxes, almost beyond what they could bear, and much beyond what they would have borne, if the great interest of his nobles to keep that dutchy annexed to this kingdom had not engaged them to give him a strong support. He had moreover the art of accompanying and tempering demands of this nature with kind words, very flattering to the pride of the nation, and with gracious and popular acts. Thus, while the people were oppressed with the burthens imposed upon them for the maintenance of his Norman war, he softened their sense of them by restraining the abuse of purveyance, which had been insupportably great in his brother's reign ; many of those, who attended the court in its journeys, not only taking the necessary provisions, which the tenants, who held the demesne lands of the crown, were required to furnish, but committing great waste, and even insulting their hosts with riots and outrages. To put a stop to this grievance, a law was made by this king, which fixed the quantity they should take, and the price they should pay for what they took ; and inflicted rigorous

rigorous penalties, in some cases death itself, on any future offenders. By these marks of a paternal regard and affection, as well as by the justice he did the commons against their lords, whenever they applied to him for relief or redress, he turned the complaints, of the severity used in collecting the taxes, from himself on his ministers, by whom they were raised, and who supposed that his avarice would secretly approve their iniquitous conduct, if they could but find a pretence to make it seem legal, which the yet unsettled limits of the royal prerogative, and the arbitrary practice of the court of exchequer, rendered not very difficult. But, as the general course of his government was popular at home and glorious abroad, these faults, which his prudence moderated, and his policy veiled, were not ever productive of any considerable discontent in the people. From the second year of his reign, in which he expelled the most turbulent of his barons, Robert de Belesme earl of Shrewsbury, out of his realm, even to the day of his death, that is, for the space of above thirty-three years, there was no revolt, nor the least commotion in England: a length of tranquillity scarce to be paralleled in the history of this kingdom, and more extraordinary then, considering how very factious, and prone to sedition, the temper of the barons appeared to be in the beginning of this and through all the following reign!

See Eadmer.
p. 83.

See Ord. Vit.
l. xi. p. 808.

But he did not enjoy an equal calm abroad. Such, in those days, was the internal state of France, from the greatness of the fiefs into which it was parcelled out, that the sovereign and some of his vassals were ever at variance, or the vassals with each other; and their disputes were decided, not by the laws, but the sword. The king of England, as duke of Normandy, was often engaged in these broils; but to the disquiet they caused was added another far more dangerous quarrel, arising from the support given by several French princes, and by the king of France himself, to the pretensions of William Clito, called also William Longsword, the only son of Duke Robert.

That prince, after his father's defeat and captivity, being then an infant, was delivered to Henry, his uncle; who not only treated him with all possible kindness, but, fearing that if any ill accident should befall him it might draw upon himself an odious suspicion, committed the charge of him to Helie de St. Saen, a man of the highest reputation for honor and virtue, and known to be devotedly attached to Robert, who had given him his natural daughter in marriage. Yet, about two years afterwards, he thought it necessary, upon some information received, or from mere apprehensions of danger to his government by his nephew's being longer out of his power, to send Robert de Beauchamp, with a party of horse, to bring him away from the castle of

Ord. Vital.

Malmsh.

l. v. f. 90.

Suger in Vit.

Lud. Grossi.

Ord. Vit.

l. xi. p. 821.

Ord. Vit. l. xi.

p. 837, 838.

sub ann. 1108.

St. Saen. Helie himself was then absent: but some of his family, taking the alarm, bore off the young prince out of his bed in the night, and conveyed him safely to their lord, who carried him to the courts of Guienne, Burgundy, Bretagne, and France, raising compassion and kindness in the breasts of all those princes to whom they went; while he formed a party for him, by more secret intrigues, among the Norman barons. He also procured him the valuable friendship of Fulk the Fifth, earl of Anjou, one of the bravest and most prudent men of that age, who, having territories that bordered upon the dutchy of Normandy, could strongly support a faction there.

The Angevin family had been long very powerful and illustrious. As their posterity, in a continued succession from the reign of Henry the Second down to the present, have been kings of England; and as, with their history, many circumstances of importance to ours, antecedent to that reign, are intermixed; it will be proper to mark out the chief events, by which their greatness in the court and kingdom of France was established and maintained.

Hugo de
Clerms.

Pere Daniel,
Histoire de la
milice Fran-
çoise, tom. i.
l. viii. p. 164.

In the reign of Louis the Fifth, the last king of the race of Charlemagne, Geoffry surnamed Grisegonelle, earl of Anjou, obtained, by his signal merit to the state, the office

of grand sénéchal, which at that time, comprehending all the functions and powers both of great master of the household and constable of the kingdom, was the most eminent dignity next to that of duke of France, possessed by Hugh Capet, who soon afterwards gained the throne. It continued from that time an hereditary fief in the successors of this earl, till the reign of Lewis le Gros, who gave it to his favorite, Anseau de Garlande; but Fulk the Fifth, earl of Anjou, resenting this injury, when Lewis had need of his service, an agreement ensued, which confirmed the office to Fulk, and to his posterity after him, as his ancestors had enjoyed it.

Another great augmentation of the power of this family was the conquest of Touraine, which Geoffry, surnamed Martel, grandson to Geoffry Grisegonelle, made in the year one thousand and thirty seven, from the earl of Chartres and Blois, who was then in rebellion against his sovereign, and being defeated and taken in battle by this prince, to purchase his liberty, gave up that province for ever to the Angevin family; the king of France, as supreme lord, confirming the cession. The father of Geoffry, Fulk the Third, had resigned to him his dominions, intending to end his life at Jerusalem; which city he had visited so often before, as to have got the name of *le Palmier*, from the branches of palms he brought back: a mode of devotion very prevalent at that time, and which, in the following century,

Malmsh. l. iii.
f. 54, 55.
G. Pictav.
gest. Gul. Ducis, 182, 183.
Mazzerai.
Pere Daniel.

Malmsh. ut
supra.

Malmsh.
ut supra.

tury, produced the crusades. But, before he was ready to set out on his pilgrimage, he found that his son used the power, he had given him, ill, and, therefore, out of regard both to his subjects and to him, resumed the gift. Geoffry took up arms, to maintain his possession; but the party of the old earl was so superior to his, that he was soon forced to sue for peace, and is said to have done it in a very extraordinary manner. For, by way of penance and humiliation (as the laws of chivalry then required), he carried his saddle some miles upon his own back, and thus accoutred threw himself at the feet of his father, who, scornfully spurning him, said two or three times, *You are conquered at last.* To which he replied, *I am conquered indeed by you, because you are my father; but, with regard to all other mortals, I am unconquered.* The spirit of this answer so pleased the old man, that, raising him up, he reinstated him in the government of the earldom, though not without advising him to make, for the future, a more moderate use of his power. But it soon appeared that moderation was not in his nature. After the acquisition of Tours, he formed other enterprises against the peace of his neighbours, and would in all probability have extended his dominions by further conquests, if he had not been stopt by the valour and good conduct of William the Bastard, then duke of Normandy, and afterwards king of England. That prince, in the bloom of youth, recovered from him some towns on
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the borders of Normandy, repelled all his attacks, and braved him with a spirit as intrepid as his, as fierce, and as haughty, but directed by a sounder and steadier judgment.

Being thus checked in his progress, and full of resentment, he entered into a league with almost all the great vassals of the French crown, and with Henry the First, their king, at the head of them, to crush the victorious duke, who was become an object of jealousy and terror to them all. But, the confederates having divided their forces, and one half of their army being defeated by the Normans, the king made his own peace at the expence of the earl, who, thus abandoned, was unable to prevent the duke of Normandy from acquiring Maine.

Gul. Pictav. gest. Gul. Ducis, from p. 184 to 190. Ord. Vit. l. iii. p. 487, 488. et l. iv. p. 532. Malmsh. l. iii. de Will. I. 55, 56.

Fulk, the late earl of Anjou, had, by a base act of treachery, compelled Herbert earl of Maine, the first of that name, to hold his earldom as a fief dependent upon Anjou; having invited him to his town of Xaintes in Xaintonge under colour of a treaty, and imprisoned him there, till he yielded to his demands. But Hugh, the son of Herbert, having strengthened himself by a marriage with Bertha, sister to Thibaut earl of Chartres and Blois, and dowager dutchess of Bretagne, refused to acknowledge this extorted dominion. upon which he was attacked by Geoffry Martel, and driven out of the earldom, which Geoffry seized, as forfeited to him by the rebellion of his vassal.

After the death of Hugh, Herbert the Second, his son, finding himself not a match for the power of Anjou, by the advice of his mother applied to the duke of Normandy, who had some pretensions to Maine; and did homage to him for it, as superior lord of the fief. William promised hereupon to give him one of his daughters, whom he afterwards offered to Harold; but, before she was marriageable, the young man died, and bequeathed his earldom to the duke, telling his barons, when he notified to them the settlement he had made in favor of this prince, that they would find his government very gentle, if they submitted themselves willingly to it, but very severe, if they obliged him to extort their consent by force.

Thus did William most fortunately acquire a province, of which, before, he could only pretend to the feudal superiority, and which, as lying contiguous to the dutchy of Normandy, he much desired to possess. Yet it cost him no small trouble to maintain that possession: for the earl of Mante and Pontaise, who had married Biota, sister to Hugh earl of Maine, claimed the inheritance in her right, and was favoured by a party of the nobility of Maine, who delivered to him the town of Mans, with the help of Geoffry Martel, under whom he bound himself to hold it in fief. Ordericus Vitalis affirms, that the duke of Normandy was unable to recover this city, till both the earl and Biota died, with a grievous

Pict. gest.
 G. D. p. 189.
 Ord. Vit.
 l. iii. p. 487.
 et l. iv. p. 534.

inf-

suspicion of poison, in his own town of Falaise, where he had made them his guests ; a crime, which, if it were justly imputed to that prince, would fix a most horrid stain on his character : but it is confirmed by the testimony of no other historian ; and William of Poictou, a contemporary writer, says, in his history, that the earl allowed his friends to yield up Mans, for fear of losing, in the contest, his other dominions ; which, placing his death after the time when the town was recovered by the duke, absolutely contradicts the other account. Nor should we readily suppose that a person so brave and magnanimous would take such infamous methods to destroy his antagonists. It is certain that he never was entirely master of Maine till the death of Geoffry Martel, who died in the year one thousand and sixty one, fortunately for him in many respects ; for, if that prince, his perpetual and implacable enemy, had lived but five years more, the apprehensions of leaving the dutchy of Normandy exposed to danger on that side, would have probably hindered him from daring to prosecute his design upon England. But it pleased divine Providence to remove this great obstacle, as it also did many others, out of his way.

Geoffry, dying without issue, bequeathed his dominions to another of the same name, Ord. Vit. his sister's son : but he, being wholly given up to devotion, and unqualified to govern a turbulent state, was deposed by his brother

See Pic. p. 190.

P. 532, 533.
L. iv.

Flor. Wigorn.
S. Dunelm.
Ord. Vital.
l. iv. sub ann.
1073.
Malmsh. de
Wil. l. l. iii.
f. 59. sect. 30.

Fulk, the fourth earl of that name. With him the duke of Normandy, after he had acquired the dominion of England, had a sharp war, on account of the earldom of Maine, in maintaining which he was faithfully and bravely served by the English, a great army of whom he carried over to France, and employed them to fight his battles for him in that kingdom, which they did more successfully than they had defended their own country against him. By their valour he regained the city of Mans, which had been yielded to Fulk: but the latter being supported by a considerable aid from Bretagne, a peace was concluded upon the same conditions as had been settled before between his brother and the king; namely, that the king's eldest son, Robert, should receive the investiture of the earldom of Maine, doing homage for it to Fulk as his superior lord. The foundation of this agreement was a marriage contracted, but which the lady did not live to consummate, between Robert and Margaret, second sister to Herbert the Second, earl of Maine; and it afterwards became one cause of dissension between Robert and his father; for that monarch was no more inclined to give up the government of this earldom, than of the dutchy of Normandy, during his own life; saying, *that he would not undress himself before he went to bed.* But *this was dressing himself in the robes of his son:* for it was to Robert, not him, that the investiture of Maine had been granted

granted by the late treaties with Anjou ; though he seems to have considered them only as expedients to possess himself of the earldom under the name of his son, founding his claim to it on the will of Herbert the Second. Immediately after his decease, the people of Maine, averse to the yoke of the Normans, sent into Italy to the two sons of Azzo earl of Liguria, who had married the eldest sister of their last earl, offering their allegiance to either of the brothers that would come and receive it. The younger, named Hugo, undertook the adventure, trusting, it seems, to the enmity which at that time subsisted between Robert and William Rufus. But after their reconciliation, being a man of no courage and of very mean talents, he sold the earldom, which he thought he could not defend, to his cousin, Helie de la Flesche, who was son to the third sister of Herbert the Second. The change was very agreeable to the people of Maine, by whom Helie was exceedingly beloved and esteemed ; and it was confirmed very willingly by Fulk earl of Anjou, under homage to whom this prince desired to hold the acquisition he had made, as his predecessor had done. He supported himself in it without any difficulty, so long as Robert continued to be master of Normandy : but when that dutchy was delivered to William Rufus, he found in him a competitor, whom neither his own power, nor that of Anjou itself, could well resist. He therefore offered, as a means of

Ord. Vit.
l. viii.
sub ann. 1090.

Idem, p. 532.
l. iv.

avoiding

Ord. Vit.
l. x. p. 769.

avoiding a war, to try his right to the earldom in the court of his sovereign, the king of France, according to the laws of the land, which the duke of Normandy was bound, as much as he, to respect. William answered, *that he would plead against him with swords and lances.* And when it was urged by the earl, that having taken the cross (which he had done just before) he was under the protection of Christ and the church, William, who regarded neither religion nor law against his own interests, and was not afraid of the pope, very coolly replied, “that he might go to the holy war “as soon as ever he pleased; and, for his own “part, it was not his desire to molest him, or “any other person engaged in that service:” but added, “that he would advise him, before “he set out, to repair the fortifications of the “city of Mans; being fully determined himself to visit it soon, at the head of a hundred thousand men.” This stopt the earl; and, as the king was embarrassed with many other affairs, he enjoyed a longer quiet than he expected: but, about two years afterwards, he had the misfortune to fall into an ambush, laid for him by Robert de Belesme, earl of Shrewsbury, whom William employed as his general in those parts; and, being taken prisoner, was confined in the castle of Rouen. The earl of Anjou, as soon as he heard of his vassal’s captivity, went with an army into Maine, and, as lord of the country, undertook the defence of it against the king of England, who

Ord. Vit. l. x.
sub ann. 1098.

who now attacked it in person. The earl maintained it with great valour, and for some time with success; but, finding at last his forces too unequal to those of his enemy, he made peace with William, by yielding to him Maine free of homage to Anjou, on condition that all prisoners should be restored on both sides. The earl of la Flesche was thus set at liberty, and, being now reduced to a private condition, offered his sword to the king, who was ready to receive him with open arms: but the earl of Meulant, that monarch's favorite and principal minister, apprehending a rival in so able a man, dissuaded him from it, by representing to him the danger of trusting one whom he had so much offended. Helie, repulsed in his suit, said, at parting from the king, "*Since you will not deign to accept my friendship and service, you must not, Sir, be surprised if you find me your enemy, and endeavouring to regain the state I have lost.*" Nor did he wait long before he executed this spirited threat. For, immediately upon William's return into England, he made himself master of Mans, aided by the affection of the citizens to him; which his ill-fortune had not cooled: but the castle and some forts held out obstinately against him, the garrisons of which set fire to the town, and burnt it down to the ground. While he was endeavouring, by the slow approaches of a siege, to reduce these strong places, William, having intelligence of what had been done in that country, instantly rode

See Malinfb.
f. 70. c. 30.

rode from the new forest in Hampshire, where he was hunting, to the sea-side, and, with scarce any attendants, passed over to Barfleur in very tempestuous weather: then having assembled, with incredible diligence, an army of Normans, he so expeditiously led them against the earl, that this lord, being surprized, was again made his prisoner, and freed by him, without ransom, as hath before been related. Not long afterwards happened the violent death of the king; and the earl thereupon was enabled to recover the whole province of Maine, which he governed, some years, with great wisdom, having entered into a strict alliance and friendship with Henry king of England, to whom, in his wars against his brother, Duke Robert, he did eminent service, particularly at Tinchebraye, where the success of that monarch was principally owing to him and his troops. Nevertheless he acknowledged no subjection to Normandy, as earl of Maine; but held that country under homage to Fulk the Fourth, earl of Anjou, who had been always his friend.

Orderic. Vit.
l. viii. sub
ann. 1089.

In the history of this Fulk, the most remarkable circumstance was his marriage with Bertrade, daughter of Simon de Montfort, whom he obtained of her uncle, the earl of Evreux, by the mediation of Robert, duke of Normandy, though he had at that time two wives alive, whom he had divorced on pretence of their being related to him within the degrees

degrees forbidden by the canons. The prohibition had been extended even to the seventh degree, which the policy of Rome either enforced or relaxed in particular cases, as suited best with the interests of the pontificate: so that any prince in that age, who was well with the pope, and weary of his wife, might separate himself from her, and marry another, whenever he desired it, by alledging a distant relation, which the court genealogists never failed to make out. The earl of Anjou was already declining in years, when he made use of this liberty, to wed with Bertrade, the most celebrated beauty in the kingdom of France. She brought him a son; but they had hardly cohabited together four years, when, from a disgust on account of the inequality of their age, or from motives of ambition, which seems to have been at all times her ruling passion, she suddenly left him, under the pretence of a scruple of conscience about the validity of her marriage, and married Philip the First, then king of France, whose heart she had gained in a visit, which, upon her invitation, he had made to her husband. But that monarch himself had also another wife alive at that time, who had brought him three children, and from whom, on pretence of some relation between them, he had been lately divorced; the real cause being only (if we may believe William of Malmshury) that she was grown very fat. Such astonishing scenes did the divinity current in those times

Ord. Vital.
l. viii. sub
ann. 1092.
Pere Daniel.

See Malmsh.
de Will. I.
l. iii. f. 69.
sec. 10.

times produce! But Philip's passion for Bertrade had made him act in this business with too much precipitation. He had not obtained the consent of the bishops of France, or of the pope, to his divorce; nor was the marriage of Bertrade with the husband she had quitted declared to be null. The consequence was, that a very strong opposition was made to the validity of this new engagement, by Ivo bishop of Chartres, compiler of a code of ecclesiastical laws, which had great authority in those days: and though Philip had such influence over his bishops as to procure a decree in favor of his marriage from a national council at Rheims; yet the contrary opinion of the bishop of Chartres prevailed on Pope Urban the Second to call another at Autun, under his legate the archbishop of Lyons, which excommunicated the king for living with Bertrade, during the life-time of Bertha, his lawful wife. Soon after this sentence had been past against him, that princess died; and other councils were called on this affair, in one of which, held at Clermont under Urban himself, Philip was again excommunicated, and the same sentence was denounced against all his subjects who should continue to give him the title of king, or so much as speak to him, unless to exhort him to repentance. This had such an effect, that in another, held at Nîmes, he consented to part from the countess of Anjou, and so obtained absolution. But the chains by which she held him were too strong to

Concil. Edu-
ense, tom. x.
Concil.

A. D. 1094.

V. tom. x.
Concil. &
Pere Daniel.

A. D. 1096.

to be broken. Two years did not pass, before he not only recalled her to his court and took her again to his bed, but even caused her to be crowned as queen of France. Soon after this, Pope Urban died; and his successor Paschal the Second assembled a new council at Poitiers, to re-examine the cause: but, though the party of the king was stronger there than it had been at Clermont, the legates were firm, and pronounced against him a new sentence of excommunication, under which he remained from the year eleven hundred to eleven hundred and five; when, after many endeavours to obtain a dispensation from the pope for their marriage, in which they were seconded by the bishop of Chartres himself, both he and Bertrade were absolved, upon taking an oath, that they would not, for the future, cohabit together. Yet that this oath was not kept appears from the words of Ordericus Vitalis, a contemporary historian, who says that *she stuck to him, even to the day of his death*. Which assertion is confirmed by an Angevin chronicle; wherein it is said, that the year after their absolution they went together to Angers, and (what is still more extraordinary) that they were most kindly received and entertained by the old earl, her late husband. Notice is also taken by Ordericus Vitalis of this strange complaisance, which he imputes to the power that Bertrade still retained over the mind of that prince. Indeed she was a woman of consummate address, and had charms in her wit not

A. D. 1098.

A. D. 1099.

Concil. Pis.
ann. 1100.Epist. Lambert
ad Paschal.See Ord. Vit.
l. viii. p. 699.
subann. 1092.Chron. Andag.
tom. v.
Bibliothec.
Labbxi.
Pere Daniel.

not inferior to those in her person : yet some other cause must have influenced a man in his circumstances to make him act such a part. It does not appear that in the several councils held on this subject he had ever opposed her cohabitation with Philip, or expressed any desire to have her restored to himself. It may be therefore presumed, that his former passion for her had been cloyed by possession, and that he was glad to be rid of her in any manner, or, at least, not disposed to quarrel with his sovereign on her account, but desirous to avail himself of her friendship and protection at the French court. Perhaps too in his heart he acknowledged the nullity of his own marriage with her, and was not so well satisfied as the see of Rome that his former divorces were legal. A circumstance which renders this more probable is, that, in the latter period of his life, he gave up the government of the earldom of Anjou to Geoffry his son by the first bed, and declared him his successor in all his dominions. That the excommunication of Philip and Bertrade was never renewed after their last absolution, though they so openly lived together in breach of their oath, can, I think, be accounted-for only from the need which Pope Paschal the Second had of the favor of the king, to support him in the war which was then made against him by the emperor Henry the Fifth. This might procure a connivance from his Holiness, though not a direct dispensation ; for, that he did not

Ord. Vit.
l. xi. p. 818.

grant the latter, the silence of all the contemporary writers undeniably proves. Philip died A. D. 1108. not long afterwards, and, to expiate his sins, in the habit of a monk, which he took at the point of death; a very commodious method of renouncing the world when a man is just going out of it, and therefore frequently resorted to in those days by princes who had led wicked lives. Nay, so weak is the human mind, when loaded with guilt and fooled by superstition, that the same practice has continued in Roman-catholic countries even down to these times. About a year after the de- ^{Malmfb. ut} cease of Philip, Bertrade, being defeated in all ^{suprà.} the objects of her ambition, had also recourse to the expiatory merit of a monastick vow, not so ridiculous as the king's, because it was made in health; but a penance very unequal to the enormity of her guilt. For, in order to secure herself against the succession of Louis, Queen Bertha's son, and obtain the crown for the eldest of her own sons by Philip, she had scrupled no methods, how flagitious soever. Louis, who had conceived a particular esteem ^{Ord. Vit. l. x.} for Henry, king of England, had obtained ^{p. 812, 813.} leave of his father to make a visit to that monarch, and was received at his court with the honours due to his birth, and all the affection which such an obliging advance of friendship deserved. But he was presently followed by a messenger sent from Bertrade, who brought a letter to Henry under the seal of Philip, which contained a request from the latter,

urged in the strongest terms, that, upon the receipt of it, he would instantly arrest the prince, and keep him in prison for life. Henry communicated this extraordinary epistle to the lords of his council, but ascribed it entirely to the instigations of Bertrade, and expressed his abhorrence of giving any countenance to the designs of that wicked and dangerous woman ; in which sentiment they all concurred. He therefore exhorted his royal guest to return without delay into France, where his presence would be necessary to resist her machinations. The prince followed his advice, and retained such a sense of the obligation he had received from him upon this occasion, that he could not be persuaded to give him any obstruction in the conquest of Normandy, as from policy he ought to have done, but even encouraged and aided him in that undertaking ; of which he and his successors had reason to repent. At his return into France, he expostulated with his father upon the letter he supposed to have been written by that king, who absolutely denied that he had any knowledge of it ; and it came out to be all a contrivance of Bertrade, against whom justice was demanded in vain. Nor did she stop at this crime ; but attempted to save herself from the resentment of Louis by taking away his life. She first endeavoured to do it by forceries, in which the ignorant superstition of those times had great faith, and tampered with three priests, who pretended to be able to destroy him

him that way: but, one of them having impeached his accomplices, she took a method more effectual to answer her purpose, and caused the prince to be poisoned. The French physicians could not find any antidote to relieve him; but he was saved by a foreigner who came out of Africk, where the science of physick was then better known than in Europe. The passion of the old king for his execrable mistress was so rooted in his heart, that even this attempt on the life of a son whom he loved could not deliver him from it, though it does not appear from the accounts transmitted to us that he doubted of her guilt. Instead of punishing her as so atrocious a crime deserved, he made himself mediator between her and his son, implored his pardon for her, and bribed him to grant it with a considerable portion of the royal demesne. At his death she withdrew herself out of the power of Louis, and with the assistance of her brother Amauri de Montfort raised a revolt against that prince: but, his valour and prudence having soon overcome this rebellion, which was not supported by the body of the nobles or people, she took refuge in a convent, as a safer asylum: and her brother, who was a man of peculiar dexterity in court intrigues, made his peace with the king, and obtained no inconsiderable share of his favor.

Suger vit.
Lud. Grossi.

Before Philip's death, the earl of Anjou had resigned the government of that province

Ord. Vit.

l. xi. p. 818.

A.D. 1106.

to Geoffry his son, who in the administration of it shewed a very laudable spirit, by putting a stop to the robberies and other enormities, which, during the licentiousness of his father's administration, had there been committed, not with impunity alone, but with encouragement; the earl himself (if we may believe a contemporary historian) frequently sharing in the plunder. Against all these freebooters, of whom many were barons and governors of castles, the young prince drew the sword, punished them with the severity that justice required, and established such peace and good order in Anjou, as it had seldom enjoyed. But, at the end of three years, he was treacherously slain, by an arrow shot at him from the wall of a castle, possessed by a band of rebels, whose chiefs were treating with him upon a capitulation. His father, finding himself from his age and infirmities unable to bear the burthen of government, was desirous to make it over to his other son, Fulk, whom he had by his marriage with Bertrade. This young man was then under the tuition of his mother, by whom Philip was easily persuaded to consent to his exaltation, and to grant him the investiture of the earldom of Anjou: the question about the legitimacy of his birth not being thought any bar to his obtaining that dignity; as the earl, his father, had no legitimate son. The duke of Aquitaine, who had been paying his duty to Philip, was at this time returning home. As he proposed to pass

pass through Anjou in his journey to Poitou, Bertrade entrusted her son to his conduct: but, instead of carrying him to his father, he detained him in prison, with an intention of extorting by this means from the earl the cession of certain towns on the frontiers of Anjou; probably some of those that had been gained from the princes of the ducal family of Poitiers by the first Geoffry Martel. Bertrade, enraged beyond measure at this perfidy, employed all her arts to instigate the old king to make war on the duke: but he was too indolent to undertake such an enterprize; which being well known to that prince, he slighted her menaces; nor did he pay more regard to those of the earl of Anjou, who, seeing no other means of delivering his son, consented to renounce, for himself and his successors, the towns in dispute. This cession was the last publick act of his life, the latter end of which had been very inglorious. His son proved a great prince, and conducted himself wisely in all affairs. He married the daughter of the earl of La Flesche; and acquired, by that alliance, the province of Maine; for his father in law, dying without issue male, left it to him, upon account of his marriage. But Henry the First, king of England, though, out of a proper regard to the good services done him by the earl of La Flesche, he had not enforced his pretensions to this earldom during the life of that prince, renewed them after his death, and required that the earl of

A. D. 1110.
Ord. Vit.
l. x. p. 785.

Ord. Vit.
l. xii. p. 840.
A. D. 1113.

Anjou should hold it in fief of the dutchy of Normandy. This demand having incensed the high-spirited earl, he was easily induced by his uncle, Amauri de Montfort, and by Robert de Belesme, to favor the claim of William, Duke Robert's son, whom his governor, Helie de St. Saen, brought to Angers at this juncture of time. Amauri de Montfort, nephew to the earl of Evreux, whom the king of England had banished and deprived of his earldom, having escaped from the battle of Tinchebraye, had, by the mediation of the earl of La Flesche, obtained some time afterwards a pardon from Henry, and part of his estate, which had been confiscated, in the dutchy of Normandy; but he did not forget that Henry had deprived him of all his possessions in England, and therefore took this opportunity to excite new disturbances against that monarch.

Idem, p. 138.
840.

A most intimate connexion was formed between him and Helie de St. Saen, who governed himself chiefly by his advice; knowing him to be a man, who, from his abilities, courage, and experience in faction, would be a most proper instrument to serve his pupil. They flattered themselves with the hopes of a powerful assistance from Louis le Gros: For the friendship, that had subsisted between Henry and that prince during the life of his father, had been interrupted, in the first year of his reign, by a dispute about Gisors, a town built by William Rufus on the frontiers of Normandy, which, conformably

to a treaty between the two kings, had been put into the custody of a baron subject to neither of them, in order to be kept in a state of neutrality. But Henry got possession of it, by corrupting that baron, and obstinately refused either to put it again into neutral hands, or demolish the fortifications, as the treaty required. Louis was so incensed at this scandalous breach of faith, that he proposed to decide the quarrel between them by single combat; but Henry, in whose valour there was nothing romantick, declined the challenge. A war ensuing hereupon, the king of England was assisted by his nephew, the earl of Blois, and the dukes of Aquitaine and of Burgundy, though all vassals of France. Louis was chiefly supported by Robert earl of Flanders, who twice defeated the earl of Blois: but, in a battle between the king himself and that earl, a memorable victory was won by the latter; and the vanquished monarch with difficulty escaped from the field, bearing in his own hand the royal standard, and forcing his way through troops of the enemy, who had routed his army, and surrounded his person. Nevertheless it was not long before he had his revenge: for, in another fight, the earl of Blois was dangerously wounded by the earl of Vermandois, a prince of the blood of France; which having constrained him to retire from the action, his army was soon beaten. During the whole course of this war, King Henry remained in Normandy, contenting himself with

Suger in vita
Lud. Grossi,
p. 296.

sending assistance to his confederates, because he was afraid of disorders and rebellions in his own territories. But he courageously attacked and vanquished some detachments, which Louis had ordered to break into Normandy; and this having disposed that monarch to a peace, it was made upon conditions advantageous to Henry: for Gisors was ceded to him, and an amnesty was granted to all the vassals of France, who had taken part with him. About two years afterwards, his nephew, the earl of Blois, revolted again, and won a battle against Louis, in which the earl of Flanders, being thrown from his horse, died of the bruises he received. The loss of this prince was a great misfortune to Louis, who had no better friend, nor any other general of equal capacity. He was so taken up in defending his own domains against the earl of Blois, that the earl of Anjou, and others of the nobility of his realm, whom he had encouraged to make war against Henry, receiving from him no assistance, were unable to resist the forces of that king; especially, as one of the heads of their faction, and the chief manager of all their secret intrigues, fell into his hands before their designs were brought to maturity. For Robert de Belesme being sent to him, with a message from Louis, he did not consider him as a foreign minister, but as his own rebellious vassal; and, having got him condemned in his Norman court of justice, threw him into prison, where he remained

Ord. Vital.
l. xii. p. 837.
P. Daniel.

Ord. Vital.
p. 840, 841.
sub ann. 1113.
See also
p. 858, and
Malmsb.
l. v. f. 89.

mained all his life in the severest confinement. His sufferings met with no pity ; as, wherever he had power, he had been a most inhuman and merciless tyrant. One horrible instance of his barbarous cruelty, among many others, is mentioned by an historian of very good credit ; namely, that, for a slight offence, committed against him by the father, he, with his own hands, tore out both the eyes of a young child, his own godson, whom he had received as a hostage. Henry, after having freed the world from this monster, laid siege to Alençon, of which town he had been lord, and took it in a few days. The earl of Anjou, intimidated by such an unprosperous outset in the war he had undertaken, and seeing the storm ready to fall on himself, unsupported by all those in whose aid he had trusted, was easily induced to treat of a peace, which Henry, who desired security more than revenge, willingly granted him, upon condition that he should do homage to him, as duke of Normandy, for the earldom of Maine ; and, to induce him with less reluctance to make that concession, betrothed his son, the heir of his crown, to Matilda, the earl's eldest daughter. In consequence of this treaty, Duke Robert's son was driven from Angers, to seek protection elsewhere, which he found in the dominions of Baldwin the Sixth, earl of Flanders, who had succeeded to his father, Robert the Second.

V. authores
 citatos ut
 supra, et
 Huntingdon
 in epistol. de
 contemptu
 mundi.

The

The king of France, when he saw the confederacy against Henry dissolved by the defection of Anjou, thought it expedient to make peace with him, notwithstanding the injury done to his royal dignity in the person of his ambassador, Robert de Belesme; for which he obtained no satisfaction. Henry, who felt his advantages and knew how to use them, prescribed the conditions, and gained all the points he most desired; for not only Maine was allowed by Louis to be a fief of the dutchy of Normandy, under the crown of France, but likewise Bretagne, the dependance of which upon that dutchy had been warmly contested between them. Accordingly Alan Fergant, duke of Bretagne, did homage for it to Henry, who espoused one of his natural daughters to Conan, the eldest son of that duke; and, having thus strengthened himself on every side, laid siege to Belesme, which Louis had given up, among other cessions made to him; though nothing could more dishonor that prince than such an article in the treaty, as it was completing the ruin of the imprisoned earl, whom, on every account except his moral character, he should have protected. But he was so virtuous himself, that his abhorrence of the man made him forget the ambassador. Belesme was a very strong place, and well garrisoned; yet Henry, assisted by the earls of Anjou and Blois, took it by storm the third day; and soon afterwards returned with glory to

See Malmsh.

l. v. f. 89.

Ord. Vit.

p. 841, 842.

sub ann. 1113.

to England; where he continued five years without any disturbance, honored and feared by his subjects, respected and courted by foreign powers. His only legitimate daughter, *See Malmfb. l. v. f. 91. Idem, l. v. f. 93. Ord. Vit. subann. 1109.* Matilda, was married to the German emperor, Henry the Fifth, and of his many illegitimate children several were so disposed of in wedlock, that the alliances formed by them assisted to secure the peace of his government. But in the year eleven hundred and eighteen *A. D. 1118. Idem, l. xii. subann. 1118.* new troubles arose in his territories abroad. For William, the son of Duke Robert, distinguished by the surname of Clito (used in that age by the Normans, as Atheling was by the Saxons, to denote a prince of the royal blood) had now attained to manhood, and shewed strong indications of a great spirit and good understanding, such as were requisite to support his high pretensions. Henry had offered to *Idem, p. 866.* give him three earldoms in England, and breed him up in his court like his own son; but he disdained those offers. Perhaps he might be afraid to put himself into the power of a king to whose crown he had a title; and such a distrust would not have been ill founded: nor could he with decency consent to reside in the court of an uncle who kept his father in a prison. The young earl of Flanders, who had *Idem, p. 843.* received him with great kindness when he was driven from Anjou five years before, warmly espoused his party now. But the most fortunate event in his favor was the death of William earl of Evereux: for Amauri de Montfort claimed that

that earldom, as nephew to the deceased; which being refused to him by Henry, he renewed his connections with the son of Duke Robert, and having great influence and power in France, by his birth, alliances, riches, and personal talents, persuaded almost the whole kingdom, and Louis himself, to declare war against Henry, in behalf of that prince, whom many of the Norman barons desired for their duke. Even the earl of Anjou joined in this league; for which no other reason appears, than that Henry delayed to complete the match between his son and the earl's eldest daughter, which had been stipulated in the last treaty of peace. Yet, the lady being still under twelve years of age, her father had no cause to resent that delay, unless we suppose that from other circumstances he might suspect an intention of breaking the contract. Whatever may have been his inducement to act in this manner, he mightily strengthened the faction to which he acceded. The far greater part of the Norman barons were also, by the intrigues of Helie de St. Saen and Amauri de Montfort, drawn to engage in the same cause. The defection among them went so far, that Henry scarce knew in whom to trust; he was encompassed with treason: it was in his court, in his council, in his bed-chamber itself, of which one of the gentlemen formed a plot against his life; and though it was discovered to him before execution, the punishment of the traitor did not quiet the fears of the king. He became so uneasy, that,

Idem, p. 846.
Suger in vit.
Lud. Grossi,
p. 308.

that, for some time afterwards, he never slept without a sword and a shield lying by him, frequently changed his bed, and ordered large companies of those he thought the most affectionate to him, among his domesticks, to keep watch, in arms, about his person, at night. By these anxious cautions he preserved himself from assassination; and against those who attacked him with open war he took into his pay a strong body of Bretons, and brought over a great army of his best friends and subjects, the commons of England. This force, joined to that of his nephew the earl of Blois, who continued very firmly attached to his interests, enabled him to withstand the revolt of the Normans, and the arms of all the other enemies who had combined to destroy him. His good oeconomy had given him wealth; and his wealth, in this great exigence, discreetly laid out, preserved his dominions.

Ord. Vit.
l. xii. p. 843.

As I mean only to draw a sketch of these affairs on the continent, I shall pass over many circumstances and incidents of this war: but there happened one event of so extraordinary a nature, that it merits a particular notice. Eustace, lord of Breteuil, who had married Juliana, a natural child of king Henry, and had by that lady two daughters, being connected in friendship with Amauri de Montfort, was instigated by him to demand a strong castle, which was then held as a part of the ducal demesne, because it had been formerly possessed by his ancestors. The king, afraid at such a time

Idem, p. 848
849.

time to refuse almost any request, and yet unwilling to trust him with the castle, promised to grant it him after the war should be over, when it could be done with more safety, and gave him the son of the governor, as a hostage to secure to him the future delivery of it, taking in return his two daughters, as hostages for his fidelity during the war. But Eustace, who acted entirely under the influence of Amauri de Montfort, and by his advice was determined to revolt, cruelly put out the eyes of the boy, and sent him back to his father in that dismal condition. Henry was incensed to the highest degree at such an atrocious and insolent act of barbarity: the criminal himself was out of his power; but he delivered up to the injured person the two young ladies, his own grand-daughters, whom Eustace had placed in his court as hostages, and bad him take his revenge on them, as he should think good. The man, inflamed with anger against Eustace, paid no regard to their innocence, or to the blood of his master, but inhumanly cut off the ends of their noses, and put out their eyes. Nor did Henry express any displeasure against him for what he had done. On the contrary, to make him all the reparation he could, and shew that he did not resent the excess of his rage, he sent him back to his government loaded with honors and presents. So much did the severity of this prince's temper, founding itself on a notion of justice, over-rule in his breast even the most powerful sen-

Ord. Vit.
ut suprâ.
See also H.
Huntingdon,
de mundi
contemptu,
p. 699. in
Angliâ sacrâ,
vol. II.

sentiments and affections of nature! Ancient Rome would perhaps have admired him for this action; and the history of England has no other that comes up to the force of it: but, though the principle on which it was done demands veneration, and no ordinary mind could be capable of it, the deed raises horror; and one could wish, for Henry's honor, that he had found less direful methods to appease his injured servant, without inflicting on innocence pains that are only due to guilt, and in the persons of those whom the first and greatest of all laws, the law of nature, particularly obliged him to save and protect. His daughter Juliana was so much enraged at it, that she endeavoured to revenge the sufferings of her children by the murder of her father. The town of Breteuil, after the revolt of her husband, had been left by him in her custody; but the burgesſes delivered it up to the king: upon which she retired into the castle, and, finding she could not hope to maintain it against him, desired a parley with him; to which he having consented, the furious woman, with her own hand, discharged an arrow at him out of a cross-bow: but, fortunately for them both, it did him no hurt. She was then compelled to surrender the castle and herself at discretion; for Henry refused to grant her any conditions. All who were with him stood in an uncertain and fearful expectation, to see in what manner a prince, so rigorous in his justice, would punish a daughter, who had impiously

Orderic. Vit.
ut supra.
made.

made an attempt against his life. The event was much less tragical than they apprehended. Imputing her intention of parricide to the violence and madness of grief, he would not let her suffer in life or limb, nor even deprive her of liberty for it, but took a strange method of exposing her to shame: for the draw-bridge of the castle being broken down by his orders, when she was to go out of it, he obliged her, in the sight of his wondering army, to let herself down from the rampart into the ditch, and wade through the moat, the water of which was not deep enough to drown her; and with this brand of ignominy sent her to her husband: an indecent kind of revenge, which in truth dishonored himself.

Malmfb. l. v.

f. 90.

Ord. Vital.

l. xii. p. 843.

851.

Diceto Abb.

ehron. sub

ann. 1118.

Suger in vit.

Lud. Grossi,

p. 308,

His affairs were now brought to a more prosperous state. Baldwin earl of Flanders, the keenest enemy he had to contend with, and the most attached to his nephew, had been wounded in the face, by the lance of Hugh Boterel, in an engagement near Eu with some of the troops of Bretagne, during the autumn of the year eleven hundred and eighteen. His intemperance and incontinence, while the wound was under cure, made it mortal. Though he lived till the next summer, he was not able to act in the war against Henry; who, being informed of his danger, expressed great concern, and even sent him his own physician, a man of eminent knowledge in his profession: but that help came too late. From the time that the earl received this hurt, the
balance

balance of power had turned in favor of Henry: yet he was not so elevated with his good fortune, as to forget that moderation and prudence by which he had in all events directed his conduct. *He rather chose* (says William of Malmfbury) *to make war by counsel than by the sword; and conquered, if he could, without any bloodshed; if not, with but little.* From these dispositions he now acted. For, thinking that of all the remaining confederates, except the king of France, his most formidable enemy was the earl of Anjou, who in this war had taken from him the town of Alençon, and totally defeated his forces that came to the relief of it, he resolved to try if it might not be practicable to recover the friendship of that valiant prince, by completing the marriage they had agreed on before, which he rightly judged would be now more gladly accepted, as the hopes of his nephew's party were much abated. He therefore sent for Prince William, his son, from England, managed a secret negotiation with the earl, and, all the articles having been privately settled between them, solemnized the nuptials at Lisieux in Normandy, with great satisfaction, in the month of June of the year eleven hundred and nineteen. Besides a large portion paid down, the lady brought her husband the reversion of Maine, which by the contract of marriage was settled upon him after the death of her father.

A. D. 1119.

See Malmfb. de H. 1. f. 91. c. 40.

Ord. Vit. l. xii. p. 847. 851.

See Malmfb. l. v. f. 93. c. 40. de H. 1.

Ord. Vit.
l. xii. p. 851,
852.
Malmfb. de
H.I. l.v. f. 99.

Thus, in the midst of this formidable war, which had threatened him with the loss of all his dominions, did Henry gain to his family one of the most considerable provinces in France. And soon afterwards, the earl of Anjou, going to the Holy Land, appointed that king to be guardian and regent of Maine, till he should return. But, before he conferred this obligation upon him, he interceded with him to pardon the son of Robert de Belesme; which Henry granted, and gave the young man the town of Alençon, with some other fiefs in that country, wisely desiring to take any occasion of sowing distrust among the confederates, by separate treaties, which he knew would produce a dissolution of the league. He then prosecuted the war with great vigour in Normandy; and would soon have concluded it, if the king of France, attended by William, Duke Robert's son, had not marched thither, at the head of his army, to succour the rebels. Henry, upon the first notice of the approach of that monarch, retired to Rouen, desiring to avoid, if he could, any hostilities against Louis in person: but the French having advanced within four miles of Rouen, and wasted the whole country with fire and sword, he found that his reputation began to suffer by the excess of his prudence, and therefore resolved to give them battle; which he soon afterwards did, in the plain of Brenneville, near the castle of Noyon in the Vexin.

Vexin. Louis, who expected no opposition, and from the seemingly timid behaviour of the enemy had been induced to despise them, was much surprized, when he came into that plain, at seeing their army drawn up in excellent order, and, hurried on by a rash impulse of precipitate courage, attacked them as soon as seen, without so much as waiting till he had formed his own troops.

The engagement was begun by the forces of the Vexin, under William Clito, who, by the impetuosity of his charge, bore down and broke the first line of the English; but was repulsed by the second, composed of Henry's household, and commanded by that king. Louis himself then brought up the main body of his army, which, being in no better order, was also defeated. Yet, during the heat of the action, Henry was in great danger. For William Crispin, a Norman knight, who was nephew to Amauri de Montfort, attacked him hand to hand, and struck him twice upon the head with his sword. He was preserved by his helmet, which was so finely tempered that it could not be penetrated, though by the weight of the blows it was beaten into his head, so that blood issued out; and having recovered himself, he returned such a stroke on the crest of his enemy, that with the force of the shock both man and horse were thrown to the ground, as some of the contemporary authors relate; but Ordericus Vitalis affirms, that

Huntingdon.
Diceto ut
supra.

Ord. Vit.
ibid. p. 855.

Ord. Vital.
l. xii. p. 856,
857.863,864,
865,866,867.
Suger, p. 309.
Malmfb. de
H. I. l. v.
f. 90.

Crispin was struck down by one of Henry's barons; and adds, that the same nobleman generously covered him with his own body from the rage of the Normans, who would have killed him for having assaulted the person of his master. Certain it is, that he was taken prisoner at Henry's feet. The battle at first had been only between horse: but the English rear, composed of infantry armed with pikes, coming up, the French cavalry did not dare to stand their attack. Many of the principal nobles of France were made prisoners; and Louis himself with great difficulty escaped the same misfortune, having fled into a wood, in which, for some time, he wandered all alone; and being conducted from thence to Andeli by a peasant he met, who did not know him. His horse and standard were taken; the last of which Henry kept, as an honorable trophy: but the horse he sent to the king, with all its accoutrements, and ordered his son to return that of William Clito, who had been also dismounted in the action. So perfect a victory over the French king in person was very glorious to him: yet, having been won with more dishonor than loss to the French, it was not decisive; for they recovered their spirits, returned into Normandy, and again offered him battle, which he did not accept. He afterwards gained some other advantages in the war; but he only availed himself of them to bring on a peace, thinking *that* the best fruit which, all circumstances considered, his success

cess could produce, either to himself, or his subjects.

About the end of the year eleven hundred and nineteen, Pope Calixtus the Second, being at Rheims in Champagne, made himself a mediator between the two kings: and Henry had the address, in a conference with him, partly by arguments, and partly by presents liberally bestowed upon him and his cardinals, to persuade him to give up the cause of duke Robert and William Clito, which he came very warmly disposed to serve. Louis, being thus deprived of the aid that he expected to have had from the papal authority, was likewise induced to forsake those unfortunate princes; which it was the more necessary for him to do, as Charles of Denmark, who had succeeded to Baldwin the Sixth in the earldom of Flanders, was much more inclined to assist than to oppose the king of England. The greatest difficulty of the treaty consisted in this, that Henry had disputed the nature of the homage which the dukes of Normandy owed to the French crown, and had very publicly declared, that he never would pay it in the manner required, though both his father and William Rufus had submitted to it without any apparent reluctance. Louis would not give up the pretensions of his crown in so important a point; and it seemed an irremovable bar to the peace, which, on all other accounts, Henry greatly desired. But he found an expedient, which in some measure

Suger in vit.
Lud. Gross.
Malm. l. v.
f. 93.
Ord. Vit.
l. xii. p. 866,
867.
Hoveden, sub
ann. 1120.

measure saved his own dignity and contented the French monarch, viz. that his son William should be invested with the dutchy of Normandy in his stead, and do homage for it in the accustomed form. This being agreed to, with a mutual restitution of places and prisoners taken on both sides during the war, the peace was made, to the satisfaction and honor of Henry, who, without any loss, had sustained all the efforts of so strong a confederacy, and came out of such a great and dangerous war more respected and more powerful than ever before.

But his felicity, which now seemed so firmly established, was suddenly overturned by the most unhappy accident that ever humbled the pride of human wisdom. Upon his return to his kingdom, the ship, which carried the prince his son, and with him all the flower of the English nobility, having put out in the night from Barfleur in Normandy, by the great carelessness of the master and sailors, who were all drunk, struck on a rock that lay concealed under water, not far from the Norman shore. The prince got into the long-boat, and might easily have been saved, as the weather was calm; but moved with the sad cries of the young countess of Perche, his natural sister, imploring him to take her into the boat, he commanded it to be rowed back again to the ship; when so many leaped into it, that it immediately sunk. Richard, one of Henry's natural sons, who had gained a great reputation in

Ord. Vit.

l. xii. p. 867,

868, 869.

Malmfb. de

H. I. f. 93.

l. v.

S. Dunelm.

subann. 1120.

in the last war ; the countess of Chester, niece to the king, and sister to the earl of Blois ; Richard earl of Chester, her husband ; and Other, his brother, who was governor to the prince ; a nephew of the emperor Henry the Fifth ; and other illustrious persons, foreigners as well as English, who had attached themselves to the person and fortune of Henry, or the rising hopes of his son ; perished with the latter by this unthought-of misfortune. When the ship was sinking, two persons climbed up the mast, and getting to the top of it kept their heads above the water, which there was not very deep. One of these was a young son of Gilbert de Aquila ; the other a butcher of Rouen. In this situation they remained a great part of the night ; but the tender youth, being benumbed by the wet and cold, lost his strength, and, recommending his companion to the mercy of God, fell into the sea and rose no more. The butcher, who was clad in a thick woollen garment, and more hardy in his constitution, held out till morning ; and, being saved by some fishermen who came from Barfleur, related the circumstances of this dismal event. The dead body of the prince was sought for in vain. Even the consolation of burying him was denied to his father. He had no grave but the ocean.

All the firmness and hardness of Henry's heart could not resist this dreadful shock. At hearing the news he fainted ; and it was some time before he recovered that composure of

mind, which distinguished his character, and had never been ruffled on any other occasion. Indeed he had reason to grieve extremely, both as a father and a king. The prince had been always dutiful: and if we may judge of his nature from the act of humanity which cost him his life, or from what is said of him by William of Malmfbury and Ordericus Vitalis, it was amiable and hopeful in all respects. His death left the succession to England and Normandy quite undetermined, as Henry had no other legitimate son: and an undetermined succession is always an evil to the person on the throne, but especially where his own title is in dispute. Henry feared this ill consequence, and having buried his wife, Matilda, about two years before, he now determined to marry again, in hopes of posterity; and chose Adelais, daughter of Godfrey duke of Louvain, chiefly on account of her excellent beauty, his great object being to have an heir, yet not without some attention to his interests in other respects, as, by her mother, she was niece to the pope. But she brought him no child; and because he was then in the decline of life, two years were scarce over, when many of his subjects began to turn their eyes toward the son of Duke Robert. The reputation, which that prince had gained by his valour in the last war, gave his pretensions new weight in the opinion of the publick. England indeed was too firmly attached to Henry, and in too quiet a state of peace and obedience, for his nephew's

V. Malmfb.
& Ord. Vit.
ut suprà.

Malmfb. de
Hen. I. f. 93.
l. v.
Eadm. hist.
nov. p. 36.
Huntingdon,
l. vii. f. 218.
c. 20.

See Ord. Vit.
l. xii. p. 875.

nephew's adherents to make any impression upon that nation, while he was alive: but Normandy being more open to the power and influence of the French court, and the nobility there more ready to revolt, from long habits of faction and a greater facility of escaping from punishment, a very considerable number of them engaged with Prince William; and they were supported in their conspiracy by Fulk earl of Anjou, who, having returned from Jerusalem in the year eleven hundred and twenty one, required that the portion he had given with his daughter should be repaid, because the marriage had not been consummated. This Henry refused, which, together with the solicitations of Amauri de Montfort, induced the earl to quit his party, and side with his nephew; or rather gave him an excuse for taking the part, which at this time a greater interest seemed to require; for there was good reason to believe, that Normandy now, and England hereafter, would fall into the hands of that young prince; whom therefore the earl was desirous of marrying to one of his daughters, that, by means of this alliance, his family might regain all the dominions it had lost by the unfortunate death of Henry's son. His eldest daughter, that prince's widow, had taken the veil; but he had another named Sibylla, whom he now contracted to William Clito, the son of duke Robert, giving to him for her dower the earldom of Maine.

See Malmsh.
de H. I. l. v.
f. 88. c. 40.

Ord. Vital.
l. xiii. sub ann.
1122.
Malmsh.
f. 93. l. v.

Ord. Vit. l. xii.
 sub ann. 1123,
 1124.
 Huntingdon,
 l. vii. f. 219.
 Hoveden,
 f. 273. p. 1.

Thus was Henry forsaken by that ally, whom he had endeavoured most strongly to fix in his party, and whom of all his enemies he feared the most. But his prudence and good fortune did not forsake him. By attacking the conspirators before they were ready, he took some of their castles; and not long afterwards most of their leaders fell into his power, being surprised on a march near Bourg Teronde, by a detachment drawn out of the neighbouring garrisons, under the conduct of Ranulph de Bayeux, governor of Evreux, Odo de Borleng, a gallant old officer, and William de Tankerville Henry's great chamberlain. The victory was compleat, though very little blood was shed in the action. The earl of Meulant, son to the king's late favorite minister, and who, though bred in his court, nay almost in his bosom, had most ungratefully revolted against him, Hugh de Montfort, brother-in-law to that earl, with many other barons and knights of great distinction, were forced to yield themselves prisoners; their horses being killed under them, before they had struck a single stroke, by a body of archers, whom Odo de Borleng had posted in the front of the English line: at which disaster all who were with them were so much intimidated, that they immediately fled, without fighting. Amauri de Montfort, who had been the incendiary of this and many other preceding revolts, was pursued in his flight and taken by a young nobleman of Henry's household, William de Grandcour, son to the earl

earl of Eu : but he prevailed upon that lord to set him free, and even go with him into exile himself, rather than deliver him up to Henry's resentment, from which no mercy could be expected ; an extraordinary instance of address in the one, or generosity in the other ! Among the prisoners was a French knight, named Luke de Barre, who in the former war had been taken by Henry and generously freed, his horses and other goods being all restored to him : but, forgetful of this benefit, he not only joined again with the enemies of that king, but wrote satyrical ballads against him, and publickly sung them himself. For this offence he was tried in Henry's court at Rouen, and condemned to lose his eyes ; which he refused to submit to, and, struggling with the executioners, dashed out his own brains against the walls of the prison. Two others had the same sentence inflicted upon them, as rebellious and perjured vassals : the rest were closely imprisoned, for several years, or for life.

All the hopes of William Clito were blasted at once by this defeat. Many who designed to join him were stopt ; many who had declared for his party forsook it ; and the earl of Anjou himself, too apt to change with all the changes of fortune, submitted to obtain a dishonorable peace, by renouncing his friendship, and even expelling him out of all the Angevin territories, after his contract of marriage

Malmsh.

f. 99. l. i.

Hist. nov.

S. Dunelm.

p. 255.

Ord. Vital.

l. xii. sub ann.

1124.

riage had been dissolved, by a sentence of nullity procured from the pope, on the usual pretence of consanguinity of the parties; though they were no nearer related than the earl's other daughter was to King Henry's son, the legality of whose marriage had never been disputed. That monarch had no enemy left to contend with, except the king of France, who had abetted the revolt of his subjects, notwithstanding the peace which had been concluded between them a few years before. He thought he had now a fair opportunity of revenging himself for the past, and preventing any future attacks from that quarter. His son-in-law, the emperor Henry the Fifth, had made his peace with the pope two years before, but retained in his heart a sharp resentment against Louis le Gros, for having permitted a sentence of excommunication to be fulminated against him, during his quarrel with Rome, in the council of Rheims. This was known to the king of England, with whom he lived in close friendship, and who incited him, now, when the censures of the church were taken off from him, and all his enemies in the empire subdued, to turn his arms against France, and lay in ashes that city, where the imperial majesty had received so great an affront; promising at the same time to attack the French territories on the borders of Normandy. The emperor, pleased with the proposal, agreed to it, and at the head of an army, which (as some authors affirm) consisted

Suger in vit.
Lud. Groffi,
p. 312, 313.

sisted of no less than two hundred thousand men, prepared to penetrate into Champagne. Never was an enterprize better concerted, and never did France appear to be in more danger. But that kingdom was saved by a surprising concurrence of all the vassals of the crown to defend it, notwithstanding the private quarrels, and separate interests, which usually kept them divided and broken into different parties. Since the time of Charlemagne, there had never been known such a perfect consent of the several members that composed the French monarchy, to act together, as one body, under one head. Even the earl of Blois, so nearly related in blood to Henry, and who, for his sake, was now engaged in a war against Louis, ranged himself under the banner of his sovereign, against a foreign invader. The forces of so many princes, united to those that were levied by the king himself from his royal domains, made up an army more numerous than that of the emperor, who had hoped to surprize Louis, and to find many of his vassals ill-disposed, or, at least, indifferent to him: in which seeing himself so much disappointed, he took the pretence of some disorders in Germany, to turn his arms thither, and left the king of England to carry on the war, as well as he could, by himself. That prince had been stopt from making any incursion upon the French borders by Amauri de Montfort; or rather, agreeably to his accustomed caution and prudence,

dence, he delayed to advance till he saw how the emperor would perform his engagements. And certainly, if, upon the retreat of the Germans, the king of France could have prevailed on his army to march against the dutchy of Normandy, he might have driven out Henry, and either have given it in fief to the son of Duke Robert, or annexed it to his royal domain. But Henry had in that army many powerful friends; and even his enemies made a distinction between the cause of the nation and the quarrel of the king. The vassals of France were not disposed to oppress another vassal, and encrease too much the power of the crown. Henry's intrigues with the emperor were suspected, but could not easily be proved: he had not been the aggressor in his war against Louis; but seemed to act on principles of self-defence: the emperor alone was considered as making an offensive war against France; and he being repulsed, the feudatories of the crown thought they had done all that their duty to their sovereign, or the general interest of the kingdom, required. From the account given of it by an historian, who served himself in the French army upon this occasion, it does not appear, that the attacking of Henry in his dutchy of Normandy was so much as proposed by Louis; though it was agitated in the council of war, whether, in revenge of the emperor's intended invasion, they should not immediately invade the empire. Henry being therefore left unmolested, the

V. Suger in
vitâ Lud.
Grossi, ut
suprà.

the war ceased between him and the king of France, without the ceremony of any formal treaty of peace; and he remained quite master of Normandy, where he endeavoured to strengthen his government by rigorous punishments inflicted on those who had revolted against him, and liberal rewards bestowed on his friends. His only uneasiness was the want of an heir; for he had now but little hope of having one by his queen; and till the succession was settled, he knew that the spirits of his nephew's adherents would be kept up, and that every day which should be added to his own age would lessen his power, and carry the attention and regards of his subjects towards that young prince. While he was disturbed with these thoughts, the emperor, his son-in-law, died without issue, on the twenty-fifth of May, in the year eleven hundred and twenty five. Upon this event he immediately sent for his daughter, whom he had always loved very tenderly, and who was become still more dear to him by the loss of her brother, with an intention, which discovered itself presently afterwards, to make her heiress of all his territories, if he should die without a son. William of Malmſbury says, See Malmſb. hist. nov. l. i. f. 99. sub ann. 1126. she left Germany with some regret, and would have chosen to live there on her dower: but (if this be true) she must have been ignorant at that time of her father's design: for certainly she was of a temper to have exchanged very gladly her lands in the empire, where she

she could no longer hope to have any authority or share in the government, for the reversion of the kingdom of England. Her strongest passion was pride; and the mere title of a dowager empress could not gratify that so agreeably, as the substantial enjoyment of royal power. It does not appear, that, after she came to her father in Normandy, he took any measures to get her right of succession acknowledged there; for he rather chose, as it was an affair of much difficulty, to make the attempt first in England, where, from an habitual respect and obedience to his will, he was most sure of success; and hoped that the Normans would follow the example set by the English. Yet, strong as his authority was in that kingdom, it was not without *great and long deliberation* (to use the words of William of Malmshbury) that the parliament would give their consent to this settlement of the crown on a woman. But, that consent being obtained, all the barons and other members of that assembly, who were of any importance, did, in consequence of it, at the request of the king, swear to receive for their queen the empress Matilda, if he should die without leaving a legitimate son; the archbishop of Canterbury first taking the oath, and after him the bishops and abbots; then the king of Scotland, uncle of the empress, at the head of the laity, on account of the fiefs he held of the English crown; next to him Stephen of Blois, earl of Boulogne and Mortagne, and grandson to William the

Con-

Malmsh. ut
suprà.

Neubrigenf.
& Malmsh.
ut suprà.

Conqueror; in the third place Robert earl of Gloucester, the eldest of King Henry's natural sons; and then all the other barons. But betwixt the earl of Boulogne and the earl of Gloucester there was a dispute about precedence; not (as I apprehend) which should be foremost to shew his zeal for Matilda's succession (though that might be the pretence for it), but to determine a question of the greatest consequence if she should die before the king, namely, which of the two was nearest to the throne. And it's being now decided in favor of Stephen, on account of the illegitimacy of his competitor, was of no little service to him afterwards, even against Matilda herself; as he was thereby acknowledged *first prince of the blood*: for the precedence given to the king of Scotland might be rather considered as a compliment paid to his royal dignity, than as having any regard to the relation he bore, by a descent from the line of the ancient English kings, to the crown of this kingdom. It also removed out of the way of Stephen a very considerable obstacle to his ambition, by the discouragement it gave, in the eye of the public, to the earl of Gloucester's pretensions, who wanted not precedents, either in England or in Normandy, to authorise his aspiring to the throne of his father, in default of lawful issue male. But a solemn determination, which assigned the precedence to the nephew of the king above his natural son, was a pre-ju-

dication of the right of succession in favor of the former.

Ord. Vit.
sub ann. 1127.

This important affair being settled in this manner, to Henry's satisfaction, he saw with less uneasiness some clouds that were gathering in the French horizon at this time. Louis le Gros, to whom he obstinately refused to do homage for the duchy of Normandy in the accustomed form, partly on that account, and partly from sentiments of generosity and compassion, continued to protect his nephew William Clito; strongly recommending the cause of that young prince to all the vassals of France, and entreating their aid to restore to him the dukedom his unhappy father had lost. The hopes of his party were revived by this support; but they soon became very sanguine, when, after a dissolution of his contract of marriage with Sibylla of Anjou, Louis gave him, in her place, a sister of his own queen, and, as a dower to that lady, the province called the French Vexin, with the three adjacent towns of Caumont, Mante, and Pontoise. Nor yet was this the most favorable change in his fortune. For, not long afterwards, Charles, surnamed the Good, earl of Flanders, having been murdered at Bruges by some of his subjects, Louis granted to this prince the investiture of that earldom, to which, as being a great grandson of Baldwin the Seventh, he seems to have had the best claim.

Ord. Vit.
et Huntingd.
sub ann. 1127.
Malmsb. hist.
nov. sub
eodem ann.

Henry

Henry was justly alarmed at this revolution. His nephew was now a much more formidable enemy than ever before. The dominion of Flanders, a rich and powerful state, might probably give him the means of conquering Normandy, with the assistance of his many adherents there; after which an attempt on the realm of England itself might be made from both countries. Against this danger, which further confederacies might encrease, Henry saw, in that instant, no better security than the corroborating of his alliance with Fulk earl of Anjou, by marrying his daughter to the son and heir of that prince. He might undoubtedly have found a much greater match for her, but he knew that no potentate, whose dominions were situated at a distance from his, could hurt or serve him so much as the family of Anjou; and, preferring solid strength to high and empty names, resolved to secure their friendship, as he had done once before, by making his interest theirs in all events. But it is very surprising, that none of the historians who mentioned this match should take any notice, that a dispensation for it had previously been obtained of the pope: for we cannot suppose it could have been made without one; because there was exactly the same degree of relation between the son of the earl of Anjou and the daughter of Henry, as between Sibylla of Anjou and the son of Duke Robert, whose contract of marriage the pope had lately dissolved,

See Ord. Vit.
l. iv. p. 838.

et l. xii. sub

ann. 1127.

Malmsh. hist.

nov. f. 59. l. i.

S. Dunelm.

P. 255.

See Gul. Ty-

rius de bello

facro, l. xiii.

c. 24. l. xiv.

c. 1, 2.

solved, upon no other pretence than their being too nearly related.

While this alliance, which the publick was far from suspecting, remained a matter of private negotiation between the two families, a contingency happened, which added much to the dignity of the Angevin family, and rendered the match more desirable to Henry upon other accounts. Baldwin, king of Jerusalem, the second of that name, not having any male heir, sent to offer the succession to the earl of Anjou before-mentioned, on condition of marrying his eldest daughter. The cause of this unsolicited and unlooked-for invitation was the high esteem which the king, his nobles, and people, had justly conceived for that prince, who, not long before, had brought over into Palestine a hundred knights, for the defence of that country; and had so behaved himself there, that, notwithstanding a great disproportion in their age, he was thought the best husband they could find for the princess. Though he knew to what perils her father's crown was exposed, he did not long hesitate to accept a proposal so honorable to him; but, generously sacrificing his ease to his glory, resigned all his ample territories in France to his son, Prince Geoffry Plantagenet, who had not yet attained his sixteenth year, but in body and mind was more mature than is usual at that age. We are told by some authors, that the surname of Plantagenet, which descended from this

Malmsh. hist.
nov.
Huntingdon,
Chron. Sax.
omnes sub
ann. 1127.

this Geoffry to many English kings, and became more illustrious than any other in Europe, was derived from a sprig of heath, or broom, which he was accustomed to wear on the crest of his helmet. The present possession of Anjou, Touraine, and Maine, brought the treaty, then begun between him and the king of England, for the hand of Matilda, to a speedy conclusion. It had been carried on with such extraordinary secrecy, that the news of it surprized, not only the king of France, but Henry's own council. The barons of England and Normandy were not pleased that a marriage, on which they thought they had a right to be consulted, should have been concluded so hastily, and without their advice. But none of them dared to declare their discontent by any publick act, because the power of the king was soon afterwards greatly strengthened by favorable events.

Huntingdon,
et Chron. Sax.
sub ann. 1127,
et 1128.
Ord. Vital.
l. xii. p. 835,
886, 887.

The rigour with which William Clito, after he was made earl of Flanders, had taken vengeance on all the accomplices in the murder of his predecessor, though it was really a laudable act of justice, so exasperated their friends, who were many and powerful, that, while he was employed in an attack upon Stephen earl of Boulogne, they invited Theodorick, landgrave of Alsace, who had some pretensions to Flanders by right of inheritance, but in a degree more remote, to assert his claim, with their help. Whatever objections there might be

against his title, Henry, for his own sake, was desirous to support it, and engaged the earl of Blois, his inseparable ally, to accede to their league. Theodorick, thus encouraged, came from Germany into Flanders, with a good body of troops; and, immediately on his arrival, the faction, in pursuance of the promise they had made, delivered up to him Ghent, Lisle, and several other strong towns; while Henry made a diversion on the borders of Normandy, by which he drew off the French king, William Clito's best ally, from giving him aid in this war. Yet that prince, with undaunted courage, and by the resources he drew from the zeal of his friends, supported his own cause; many Normans assisting him, out of love to his person, at the expence of incurring a total forfeiture of their lands in the dutchy of Normandy. While he was at Ipres, a conspiracy was formed, by some of the Flemings, to surprize, by night, the fort in which he lay, and kill him there. For the execution of this treason they had taken their measures so unsuspected by him, and with such advantages, that it probably would have succeeded, if it had not been discovered by a young girl in the town, with whom he privately carried on a love intrigue. Having been trusted with the secret by some of her family, she could not help bursting into tears; at the sight of her lover, in a visit he made her; of which he earnestly insisting to know the cause, and adding threats to entreaties, she revealed to him

him

him the whole plot; whereupon he immediately assembled his friends, and taking with him his mistress escaped out of Ipses: after which, to secure her against all future danger, he sent her away to the court of William the Ninth, duke of Aquitain, with whom he had contracted the closest and most inviolable league of friendship, by what was then called *a fraternity of arms*. To him he recommended his fair deliverer, and desired him to procure her an honourable match. This act of gratitude being done, he got a sentence of death to be legally past upon all concerned in the plot, as assassins and traitors, and laid close siege to the castle or citadel of Alost, one of those which had revolted from him to the landgrave, exposing his own person, in every attack, with so much intrepidity, that he might have been blamed for his rashness, if an excess of courage could ever be a fault in a prince, whose sword was to cut him a way to the throne of a kingdom, which he looked upon as his birthright usurped by another. The castle being reduced to the last extremity by these efforts, the landgrave, endeavouring to raise the siege, fought a battle, in which his troops at first were victorious; but William Clito, when he saw his men give ground, brought up a reserve of fresh forces to their aid, and valiantly charging at the head of them himself defeated the enemy. After this glorious success, returning immediately to the siege of the castle, he found at the gates a party of the garrison, who had

made a fall to assist their friends in the battle, and pursued them to the rampart; where, catching at a pike, which was held out against him by a common foot-soldier, he received a wound in his hand, which penetrated from thence to the wrist, and, by an ill habit of body, or the unskilfulness of his surgeons, turned to a gangrene, of which he died in five days.

Thus perished this brave prince, in the very flower of his age, and just at a time, when, after long contending with the malice of fortune, he began to have hopes of being raised to a greatness superior to that of his most illustrious ancestor, William the Conqueror himself. If he had survived his uncle, he would, in all probability, have been earl of Flanders, duke of Normandy, and king of England. But he was cut off, with this flattering prospect before him, and all the family of Duke Robert in him: for his new-married wife had not brought him any child. In this manner did Providence open a way to the future restoration of the Saxon royal blood in the posterity of Matilda, King Henry's consort, which the life of this prince might for ever have excluded from the throne of this realm.

A little before he expired he gave a strong proof of the goodness of his nature: for he sent a son of Odo bishop of Bayeux, who, among other Norman gentlemen disaffected to his uncle, had followed his fortunes, with
letters

letters to Henry written on his death-bed, in which he implored him to forgive whatsoever he had done to offend him, and receive his friends to mercy; an act of humiliation, to which his high spirit would never have submitted, if it had not been softened and subdued by the sentiments of a heart, in which friendship prevailed over resentment and pride. Henry was touched, or desired to appear to be touched, by so affecting a message, and treated all, who, in confidence of this recommendation, came and submitted themselves to him, with great kindness; advancing some of the most deserving among them to the highest degree of his favor: for he well understood that he now had nothing to fear, and that, in certain situations, clemency is policy. As to the earldom of Flanders, though he might have claimed it himself from his mother Matilda, yet he thought it wiser, and more decent, after the part he had taken, to confirm the possession of it to the landgrave of Alsace. Stephen earl of Boulogne, and several Norman barons who held lands in Flanders, were obliged by him to acknowledge the title of that prince, who, to strengthen and confirm this political union by a family connexion, married Sibylla of Anjou; all which so intimidated the court of France, that, without doing homage for his dutchy of Normandy, Henry remained undisturbed by any war with that crown during the rest of his life. His great reputation was indeed a strong bulwark to him and his people,

See Malinsb.
hist. nov.
f. 100.
A. D. 1135.

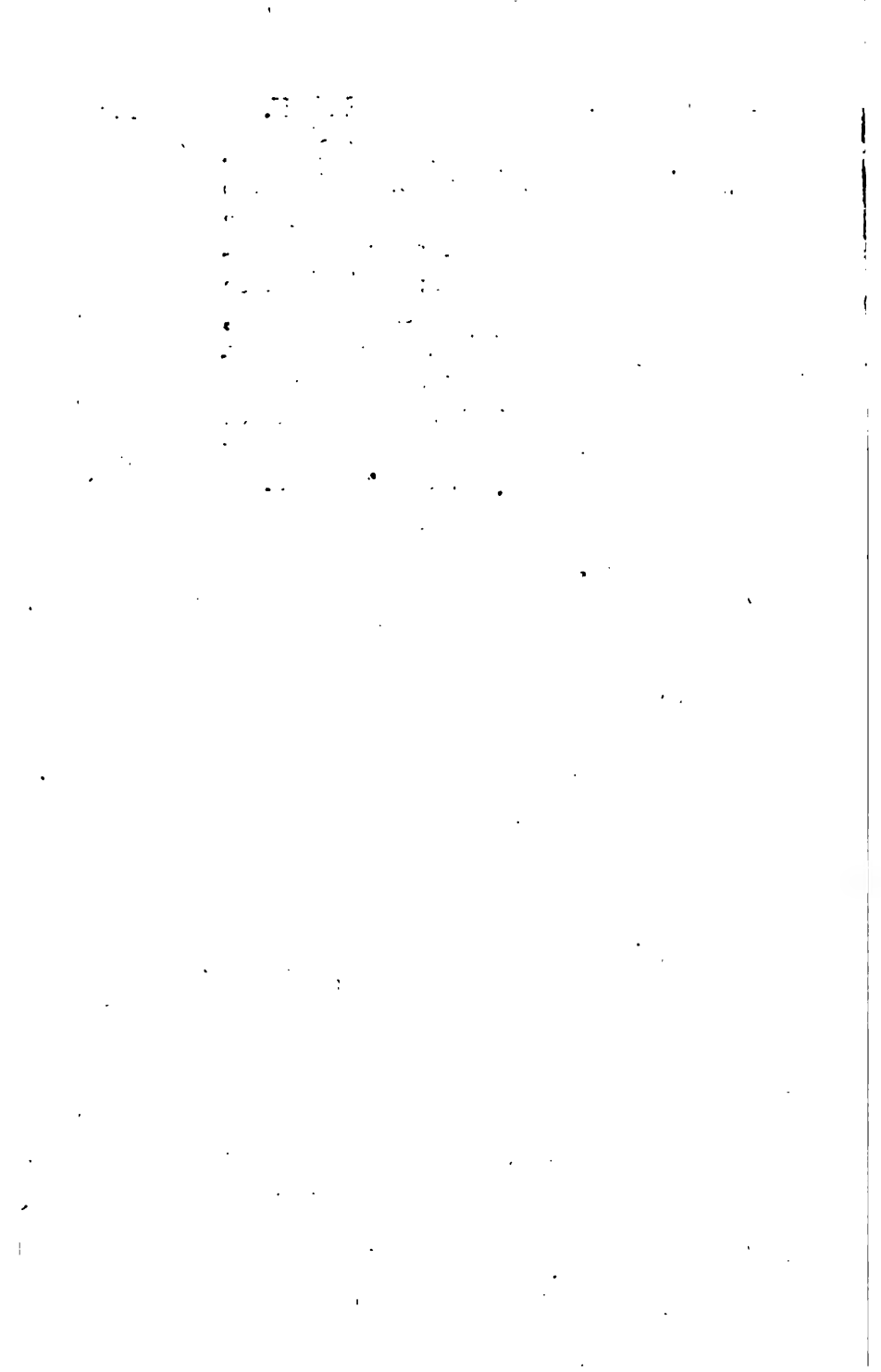
See Ord. Vit.
p. 900.

Huntingdon,
f. 220. l. vii.
subann. 1131.
Brompton.

Diceto Abb.
Chron.
subann. 1135.

people, which kept them safe from attacks of foreign powers; and his temper inclined him to hold what he had got in honorable peace, rather than run any hazards, or disquiet his age, from an ambitious desire of acquiring more. The chief object of his thoughts was how to secure the settlement he had made of the succession to his crown in favor of Matilda. With this view, at his return from Normandy into England, after the death of his nephew, in the year eleven hundred and thirty one, he brought over that lady; and, in a very full parliament, held at Northampton, obtained an oath of fealty to her, as heiress to his kingdom, from some of the barons, who, on account either of absence or of nonage, had not yet taken that oath; and renewal of it from those who had engaged themselves to her before her second marriage. But she herself did not easily submit to a husband so much below her own rank. This arrogance had produced a coldness between them: for he had a spirit which could not bear contempt, and was dissatisfied with her father, for not having put him into immediate possession of the dutchy of Normandy, or at least of some part of it, as by the treaty of marriage he had been made to expect. But prudence on all sides prevented these discontents from breaking out, at this time, into an open quarrel; and the earl having sent to solicit the return of his wife into Anjou, soon after she had received the homage of England, her father consented, by the advice of his barons,

barons, to let her go to him; and she obeyed without any apparent reluctance. In less than two years from that time she brought him a son, who was named Henry, after his grandfather the king of England; and lived to obtain the imperial crown of that kingdom, not by an easy course of inheritance or descent, but by making his way to it through infinite difficulties, and to wear it with a degree of power and glory surpassing that to which any of his royal predecessors had ever attained.



T H E
H I S T O R Y
O F T H E
L I F E

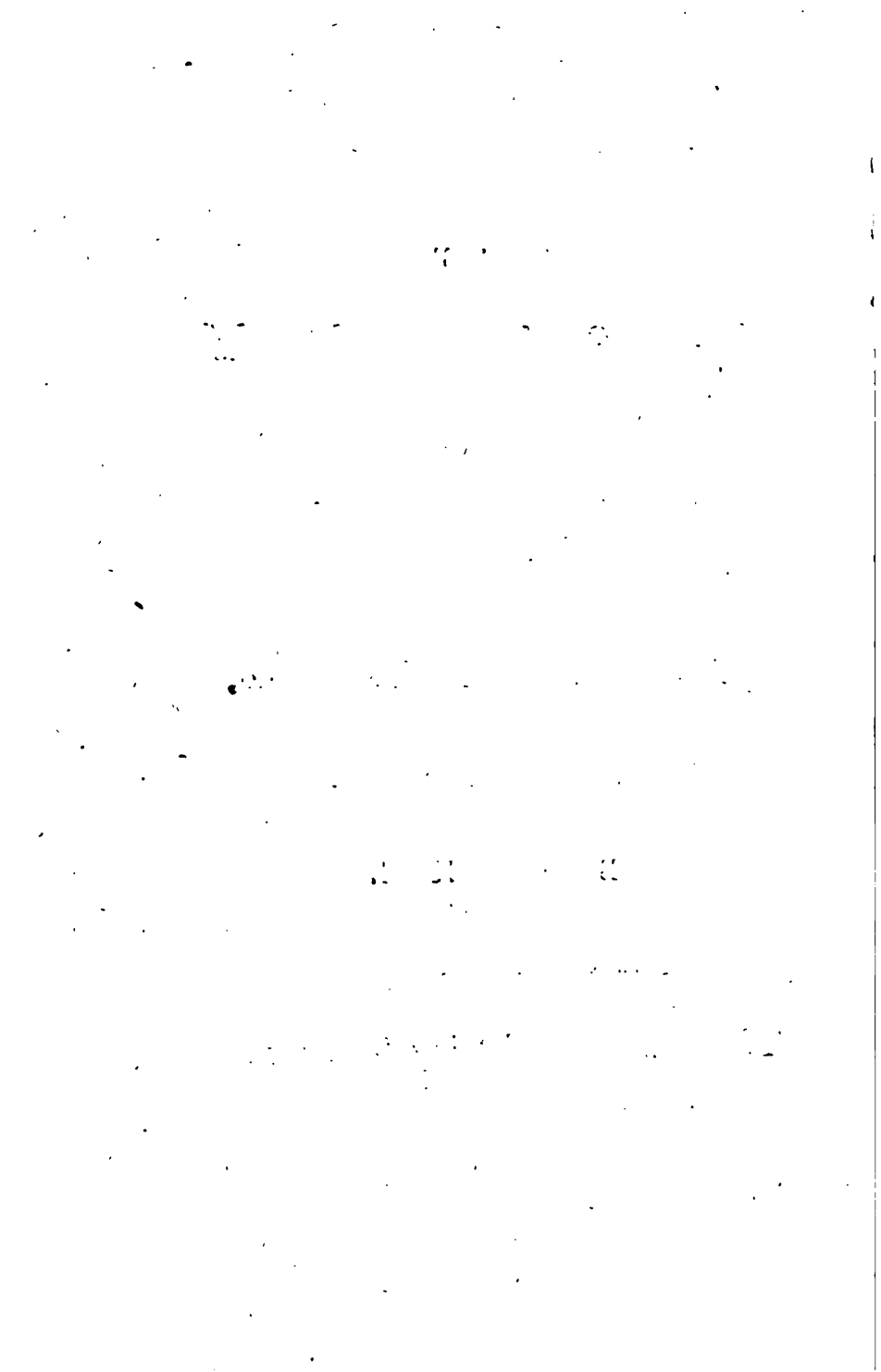
O F
King HENRY the Second.

I N F I V E B O O K S.

B O O K I.

I N W H I C H I S A L S O C O N T A I N E D

The R E I G N of King S T E P H E N.



T H E
H I S T O R Y
O F T H E
L I F E

O F

King HENRY the Second.

I N F I V E B O O K S .

B O O K I .

HENRY PLANTAGENET was born BOOK I.
 at Mans, in March eleven hundred A. D. 1133.
 and thirty three. He had the advantage
 of being descended both from the Saxon and See Diceto
Abb. Chron.
 Norman kings of England. Yet it must be p. 505.
 observed that he had not an hereditary right Ord. Vit.
p. 763.
 to the kingdom, by a lineal and regular course
 of succession from the Saxon royal family.
 For the daughter of Margaret, Edgar Athe-
 ling's sister, could not inherit her rights before
 her sons; and therefore neither Matilda, the
 wife of Henry the First, nor her daughter, the
 mother of Henry Plantagenet, were lineal
 heirs

BOOK I. heirs to the Saxon crown: but after the death of Edgar it must have devolved to David king of Scotland, and to his posterity after him. Nevertheless the relation of Henry Plantagenet to the Saxon royal blood was enough to capacitate him to succeed to the government, according to the ancient customs of England, which have already been explained in the preceding book. King Henry, his grandfather, met with no difficulty in bringing all the bishops and barons of that kingdom to take an oath of fealty to him, as heir to the crown after the death of Matilda, and to repeat that which twice before they had taken to her. This was done the same year in which the young prince was born; and Normandy followed the example of England, though it does not appear that the Normans had before concurred with the English in acknowledging Matilda's right of succession; there being no mention in any author who lived near those times of their having bound themselves to it by any feudal engagements: but the birth of her son, and the triumphant state of King Henry's affairs, induced them now to agree with him in settling their dutchy, as he had settled his kingdom. The following year, his brother Robert died, in the castle of Caerdiff, pitied, but not regretted.

See Diceto
Abb. Chron.
p. 505.
Hoveden,
f. 275.
Haguarden.
p. 312.

Upon the decease of this prince, preceded by that of his only child, William Clito, the elder line of the royal family being extinct, Henry believed, with the most assured confidence,

dence, that no competition could be able to shake the settlement he had made. And during the course of the two following years, two younger sons, named Geoffry and William, were born of Matilda: so that the happiness of the king, her father, would have been now compleat, if it had not been disturbed by a domestick uneasiness. The earl of Anjou, his son-in-law, who was just of an age to entertain the most eager desires of ambition, felt and expressed much resentment, at not being admitted to some present share of dominion in Normandy, with an expectation of which, it seems, he had been flattered, when his marriage was concluded. But Henry, like his father, esteemed it good policy, to throw out hopes of that nature when occasion required, and defer their accomplishment as long as he possibly could. *He was not inclined* (says one of the best contemporary historians) *to make any person his master, or even his equal, either in his house or in his government, carefully attending to the words of divine wisdom, that no man can serve two masters.* It may reasonably be presumed that the promise was given with some ambiguity, or under some limitations, which afforded a pretence to deny or delay the performance; but Geoffry claimed it as absolute; and, after having waited some time to no purpose, began to encourage seditions in Normandy, and endeavour to form a party there for himself. Nor did he only offend his royal father-in-law by these intrigues, but shewed so

Ord. Vit.
p. 900. l. xiii.

Ord. Vit.
ibidem.

BOOK I. little respect for him, even in family points, that upon a dispute with the viscount of Beaumont, one of his own vassals in the earldom of Main, who had married a natural daughter of the king, he treated that lord with the utmost severity, and burned his castle to the ground. Matilda was far from acting the decent part of a mediatrix between him and her father. With the title of empress she retained all the pride of that dignity, and could but ill endure to see herself sunk into a countess of Anjou. This haughty disdain of her husband, and perhaps a desire to hold her future power independent on him, made her inflame, instead of moderating, the king's displeasure against him.

See Hunting-
et Hoveden,
in fine H. I.
An. Waverlen.
sub ann. 1135.

Henry was so disquieted and alarmed with apprehensions of what these broils might produce, that he durst not leave Normandy, though advice was sent to him, from his administration in England, of the Welsh infesting his borders. To the vexation this gave him some historians of that age impute his death, which by others is ascribed to a surfeit of lampreys; and it might be owing to both; for though he was usually temperate in eating and drinking, that kind of food, which, we are told, was particularly disagreeable to his constitution, meeting with a habit of body disordered by a great disturbance of mind, might be very noxious to one so aged as he was, especially when his blood had been heated

A. D. 1135.

heated with hunting. Thus far we know, **BOOK I.**
 that having dined upon that fish, after his re-^{Huntingdon,}
 turn from a chace in the forest of Lyons near ^{et Hoveden,}
 Rouen, he was seized with a fever, which, on ^{ibidem.}
 the seventh day from the time of his being ^{Hagustald.}
 taken ill, put an end to his life. When he ^{sub ann. 1135.}
 found himself dying, he declared, in the pre- ^{Ord. Vit.}
 sence of Robert earl of Gloucester, his natural ^{p. 991. l. xiii.}
 son, and a large assembly of nobles, who came ^{Maimsb. hist.}
 to know his last will, that he bequeathed ^{nov. f. 100.}
 both England and Normandy to his daughter
 Matilda, and to her posterity after her, in a
 perpetual legitimate succession; not taking
 any notice of the earl of Anjou, her husband.
 Then, having performed very decently all acts
 of religion prescribed by the church of Rome,
 he expired, with marks of contrition and
 penitence, on the first of December, eleven
 hundred and thirty-five, the sixty-seventh
 year of his age, and the thirty-sixth of his
 reign.

I shall not enlarge on his character in this
 place; as I design to compare it, in the conclu-
 sion of my history, with that of his grandson. See Joh. Ha-
 He was, without question, a great man, and ^{gustal. p. 258.}
 upon the whole a good king. It is from his ^{de gest. Reg.}
 reign we must date the first regular settlement ^{Steph. p. 309.}
 of the Anglo-Norman constitution. A rough ^{Ord. Vit.}
 draught of it indeed had been sketched out ^{l. xiii. p. 902.}
 by William the First; but was defaced by his ^{310.}
 tyranny; and by that of his successor: Henry ^{Gest. Reg.}
 gave it consistency, strength, and duration. ^{Steph. l. i.}
^{Maimsb.}
^{f. 91. l. v.}
^{Huntingdon.}
^{l. viii. f. 221.}

BOOK I.

Chron. Sax.
p. 537. ad
ann. 1135.

The principle of it was founded in *liberty*, as fealty and homage were not unconditional, but were always understood to require a return of protection and of justice; the obligation being reciprocal between the lord and the vassal in every degree of subinfeudation: a policy inconsistent with any idea of *right divine* in a tyrant. It had also this inherent and essential advantage, that the very service required of the military vassals necessarily put arms into the hands of almost all the considerable landholders. Nevertheless it was faulty in many points of great moment, and particularly in this, that the commons of England, till long after these days, were much overbalanced in property and power by the clergy and the nobles. The royal authority was too weak in some respects, and too strong in others; nor were the bounds of it well fixed, or clearly defined. The kind of sovereignty exercised by the barons over their vassals, however subordinate in the sense and intention of the law to that of the crown, in fact encroached upon it a great deal too much; from whence there arose perpetual struggles between them and the king, which kept the state in a ferment very unfavorable to agriculture, commerce, and arts. It must be also observed, that the temper of the nation was, by the military genius of this constitution, so impelled to war, that, when they were not led out, to make it in foreign countries, they naturally fell into civil commotions: and thus a spirit of conquest, however im-

improper to our insular situation, and de-
structive to that which ought to be the sole
ambition of England, the encrease of its
trade, was rather encouraged than restrained
in our kings by their parliaments; and some of
the best of those kings engaged in unnecessary
wars on the continent, less perhaps from a
desire of acquiring new dominions, than of
preserving tranquillity in those of which they
were possess.

The *middle powers* interposed between the
crown and the people were indeed so many
barriers raised against despotism: but the abuse
of these powers, when not properly controuled
by a vigorous exercise of the royal authority,
was sometimes as oppressive as despotism itself;
and the people then suffered all the evils of
slavery, under the appearance of freedom, with-
out the advantages of union and concord, which
monarchies pure and unmixed are framed to
procure.

Yet though from these, and many other
defects or faults, which will be distinctly
marked out in the course of this work, the
plan of government settled by Henry the First
was very imperfect, and far less eligible than
that under which we now live; he seems to
have modelled it as wisely as the state of the
nation, and the general temper of those times,
could well admit. Gradual improvements were
made upon that plan; some by his grandson,
Henry Plantagenet; but the original faults of
it were not wholly removed till many centu-

BOOK I. ries afterwards, when great alterations having happened in the balance of property, from many causes combined, a more *extensive*, more *equal*, and more *regular* system was happily established.

It has been the singular fortune and wisdom of England, that whereas France, Spain, and other realms, in which much the same feudal policy had heretofore taken place, have through an impatience of the oppressions which the people often suffered from the nobility, desperately run into absolute monarchy, or have been compelled to yield to it by force of arms; in the change which has gradually happened in ours, all that excess of power, which the nobles have lost, has been so divided between the crown and the commons, that the whole state of the kingdom is much better poised, and all encroachments of any one part on the other are more effectually restrained. Yet still *the best principles* of the ancient constitution, and some of the *great outlines* remain, viz. the legislative power in the king and general assembly of the nation; the executive in the king, but under an obligation of advising with the parliament, as his great council; a right in that assembly to call the ministers of the crown to account, and represent to the king the interests, the complaints, and the desires of his people; a privilege in the subject to be exempt from any arbitrary or illegal taxations; trials by juries, and other good customs, derived from our Saxon ancestors, and confirmed

firmed by the charter of King Henry the First. Nor can we refuse some grateful praise to the memory of a prince, under whose auspices those rights were established, which, at the distance of more than six hundred years, are the great basis whereon our freedom is founded.

THE measures Henry had taken to secure his dominions to his daughter and grandson would have succeeded, if human prudence could always regulate the changeable course of events. But they were defeated by accidents which it was impossible for him to foresee, and by the perfidy of those upon whose faithful attachment to him and his family he had the greatest reason to believe he might safely depend. It happened that his daughter, at the time of his death, was in Anjou with her husband, employed in some important business of that province. The earl of Gloucester, her natural brother, who by his great abilities and credit in England might have maintained her interests in that kingdom, was also abroad, being detained in Normandy, as executor to the will of his father in his Norman affairs. Their absence at this crisis inspired Stephen earl of Mortagne and Boulogne with the hopes of gaining the crown; or (which is more probable) only facilitated a design he had formed, during the life of King Henry, in

A. D. 1135.
K. Stephen.

Malmsh. hist.
nov. l. i. f.
101.

Ord. Vit.
l. xiii. p. 901.

BOOK I. concert with his brother the bishop of Winchester. He was of the royal family, being a grandson of William the First, by Adela, his fourth daughter: and therefore, if he had been nominated by the late king, with the consent and approbation of parliament, or if no other had been so nominated, he might have been capable of succeeding to the crown, according to the principles of the Anglo-Norman constitution, in preference to Matilda, or to his own elder brother, Thibaud earl of Blois, who had not, like him, been naturalized in England. He was also allied to the Saxon royal family; having married Matilda, the daughter of the earl of Boulogne by Mary of Scotland, a younger sister of Henry's first wife; so that she and the empress were first-cousins, and descended equally from the prince's Margaret, sister to Edgar Atheling. But from all these pretensions he was cut off by the settlement which Henry had made with the concurrence of parliament; and more especially by his own act, having no less than three times, in the sight of the whole nation, sworn to maintain the succession of the empress, before and after her marriage with Geoffry Plantagenet, and on the birth of her son Henry, to whom also he took an oath, as heir to the kingdom after her decease. But all these engagements were too weak to restrain his ambition, which opportunity tempted and inflamed. To the guilt of perjury he added that of the blackest ingratitude: for his uncle had

See Malmsh.
hist. nov,
f. 100.
Dicet. Abb.
Chron. p. 505.
Hoveden,
p. 275.

had bestowed many favors upon him, having procured for him a match by which he obtained the earldom of Boulogne, one of the richest in Europe, and some very considerable possessions in England, given by William the First to the family of the lady he married. Henry had also conferred upon him other liberal grants of honors and lands within this realm, had given him in Normandy the earldom of Mortagne, and had made his younger brother abbot of Glaftenbury and bishop of Winchester. But benefits heaped on ambitious men are no ties to secure their fidelity: they only enable them, when their interest requires it, to hurt their benefactors. All these riches and dignities were so many steps, by which Stephen was assisted to mount that throne, which his gracious master had designed to leave to Matilda.

Indeed that designation was liable in itself to great objections, had any opposition been made to it at the proper time. For there still remained in that age inveterate prejudices against the idea of a female dominion. In all the history of the Anglo-Saxons, since the first day of their settling in Britain, there is but one instance of a lady's being allowed to succeed to the crown, viz. Sexburge, the wife of Cenwalch king of the West-Saxons. She reigned but a year; and Matthew of Westminster says, *she was expelled with disdain by the nobles, who would not fight under a woman.* This account is the more credible, because if we look back to

the

See Matth. of
Westminster,
sub ann. 672.

BOOK I.

the first origin of monarchical power in all the German nations, we shall find that among them the office of a king grew from that of a general, and always implied a military command; for which the softer sex being less fitted by nature, they might therefore be supposed improper to reign. From the dissolution of the heptarchy down to this period the crown of England was never, either by descent or election, placed on a female head. Nor had the Normans any example of the sovereignty among them being vested in a woman, from the foundation of their dukedom in France; or in the kingdoms of Denmark and Norway, from whence they came: so that Matilda's succession was no less a novelty to them than to the English. Accordingly, an ancient historian relates, that, when the bishops and barons swore fealty to Stephen, they declared it as the cause of their taking that engagement in direct violation of former oaths, *that it would be too shameful a thing if so many noblemen should submit to a woman.* It must, however, be observed, that, some time before this, fiefs had begun to descend to females, in default of heirs male. The earldom of Boulogne was thus acquired by Stephen himself, in right of his wife; and we find many other instances of it in France. On this foundation, doubtless, King Henry supposed, that, if he should die without a son, his daughter might be capable of succeeding to his duchy, and even to his crown. But, though the Normans had admitted

See Mat. Par.
p. 71.

mitted a female succession in private estates, BOOK I.
they had not yet applied that rule of law to their dukedom; and it was more difficult still to extend it to the inheritance of the imperial crown of England. Ancient and rooted opinions, of the unsuitness of a female hand to wield a sceptre, would not easily yield to arguments of analogy, drawn from a late practice in private successions, or even in principalities that were under a feudal subjection. The exclusion of women from reigning over the French is, by some of the best of their lawyers and historians, supposed to be rather founded upon an unwritten custom, derived from the temper and genius of the nation, than upon any written law: and the temper and genius of the Normans and English had certainly appeared, hitherto, no less repugnant than theirs to the idea of being ruled by a distaff. Nor do we find that our ancestors made any distinction at this time, as the French afterwards did in the dispute that arose upon the death of Louis Hutin, between the succession to fiefs and the succession to the crown. They put England and Normandy upon the same foot; Matilda's right to both was acknowledged during the life of her father, and denied to both after his death. Probably, during his life, complaisance had a greater share in the part they took than conviction: But whatever their opinions might have been at that time, as no force was used, their oaths were binding, and they could not recede from them

BOOK I. them after his decease without being perjured.

See Will. of Malmsh. hist. nov. l. i. f. 99. Indeed a contemporary historian relates, that he often had heard the bishop of Salisbury say, “The oath he had taken to the empress was

“void; because he had sworn on condition,
 “that the king should not marry her to any
 “person out of the kingdom, without his
 “advice and that of the other barons; whereas
 “none were advisers of her match with the
 “earl of Anjou, nor privy to it, except the
 “earl of Gloucester, her brother, Brian Fitz-
 “comte, a natural son of the earl of Rich-
 “mond, and the bishop of Lisieux.” But
 the same author adds, that he distrusted the
 veracity of the bishop of Salisbury in what
 he said on this subject, thinking, that he ac-
 commodated his discourse to the times, and
 sought a pretence to vindicate his own conduct.
 Whether the first oath to Matilda was really
 taken upon the condition this prelate asserted,
 or not, the marrying her to a foreigner,
 without the consent or knowledge of parlia-
 ment, was a matter at which the nation might
 justly be offended: and it is difficult to con-
 ceive why her father should desire to conclude
 such an affair in so secret a manner; unless he
 feared some obstruction on the part of the king
 of France, which made it necessary to avoid
 the publick notoriety that must have attend-
 ed a parliamentary deliberation, or was con-
 scious that his barons (whose opinions, in
 those days, generally guided the judgement of
 the whole parliament on affairs of this nature)

were

were not very favorably disposed to the match. **BOOK I.**
 But yet this omission, however exceptionable See Malmsh. hist. nov. l. i. f. 100.
 it might be in itself, could not be alledged at Dicet. Abb. Chron p. 505, Hoveden, p. 275.
 this time to invalidate Matilda's right of suc- See Gervaf. sub ann. 1135.
 cession; because they had twice *since her mar-*
riage with Geoffry bound themselves to main- p. 1340. Gest. Steph. Regis, p. 929.
 tain it by the most solemn oaths, the last of
 which they had taken both to her and her
 son. In order to get over this difficulty, Ste-
 phen prevailed on Hugh Bigot, earl of Nor-
 folk, to swear before the archbishop of Can-
 terbury, that Henry had, in his presence, re-
 leased his subjects from those oaths. That
 king had in reality confirmed them by his
 last will, verbally declared, in the presence of
 all the lords who were with him in Norman-
 dy; but these not being yet returned into
 England, the falsehood remained uncontradict-
 ed till Stephen was fixed in his throne. The
 improbability of it was enough to discredit it
 among men of sense: but it answered the pur-
 pose of those who wanted a pretence for elect-
 ing that prince; and there is nothing too gross
 for a party to believe. If there were any
 incredulous, they were silent through fear of
 the prevailing faction, or bought off with part
 of the treasure left by Henry in the castle of
 Winchester. It amounted in money to a hun-
 dred thousand pounds, equivalent to fifteen Malmsh. f. 101.
 hundred thousand at present, besides a vast hist. nov. l. i.
 quantity of jewels and plate. The obtaining Thom. Rud-
born, hist.
 of this was decisive in favor of Stephen, and
 he owed it entirely to the intrigues of his bro-
 ther,

BOOK I. ther, Henry de Blois, bishop of Winchester, who gained the bishop of Salisbury and William de Pont de l'Arche, to whose joint custody their late master had committed his treasure.

Malmsh.
ibidem, f.
104.

The bishop of Salisbury in thus deserting Matilda broke every bond of human society: for no man in the whole kingdom, not Stephen himself, had been so highly obliged to Henry, who took him into his service when he was only a curate in Normandy, during the reign of William Rufus, and finding him dextrous in business, especially in the management of money affairs, grew so fond of him, and put such an unlimited confidence in

See Hunting.
l. vii. p. 219.

c. 10.

Liber Rame-
sienfis, l. 279.

Spelman's

Glossary, sub

JUSTICIAR.

ANGLIÆ.

his fidelity, that when he came to the crown he first made him his chancellor, then bishop of Salisbury, and at last grand justiciary, by which high dignity he was, on the demise of the crown, the constitutional guardian and regent of the kingdom. Thus it fell out, that, Henry dying abroad, and Matilda being absent, the whole strength of the government remained in his hands; and, had he kept his engagements, it would not have been in the power of any other to defeat her succession.

What induced him to betray her, we are not told: but this we know, that he obtained of the king, immediately after his coronation, the town of Malmisbury for himself, the office of chancellor for his natural son, and that of treasurer for one of his nephews, whom he had before made bishop of Ely. Probably

these

Malmsh. hist.
nov. l. i. f.

104.

these were the terms upon which he had treat-
 ed with the bishop of Winchester to sell him-
 self to Stephen, who was so sensible how
 necessary it was to buy him, that, in a confi-
 dential discourse about him, with some of his
 own friends, he used this expression, "By the
 nativity of God, if he were to ask of me
 one half of my kingdom, I would grant it
 to him, *till this season be past*. He shall
 himself be tired of asking sooner than I
 will of giving."

Malmsh.
 ut supra.

These words are remarkable, and very expressive of the character of this king. In bargaining for the crown, he thought no price required of him too great; but, *when that season was past*, he meant to take other measures; and the bishop of Salisbury himself was one of the first who felt the effects of this intention. The bishop of Winchester, who had been the chief instrument in seducing that prelate from his loyalty to Matilda, was almost as powerful by the force of a bold and extraordinary genius, as the other was by his office. William archbishop of Canterbury, being a man of a feeble mind and mean parts, gave way to him in all things; and he acquired such an influence over the clergy, that he absolutely governed the English church, though there never was a mind less suited than his to the duties of a churchman. But profuse liberality, princely magnificence, the courage of a soldier, the address of a courtier, and the cunning of a statesman, with a peculiar dexterity

BOOK I. rity in the management of a party; supplied the want of all Christian and episcopal virtues, which he hardly deigned even to counterfeit, except in pretending an ardent zeal for religion. By every art of cabal and of corruption, he sustained, he cemented, he animated, he directed the faction of his brother; and to his abilities, more than to his own, did Stephen owe the crown he gained. Yet that prince had himself some popular qualities, which might well recommend him to the favor of the nation. He was brave, affable, good-natured, and generous, in the highest degree. Having received his education in the English court, he had formed many connexions of acquaintance and friendship among the nobility, and had rendered himself agreeable to the people, not only from policy, but from the bent of his temper, which naturally inclined him to let down his dignity and conform his manners to theirs. The citizens of London were particularly affectionate to him, and saluted him as king at his return from Boulogne, where he happened to be at the time when his uncle died, and from whence, upon an early intelligence sent him of that event, he past over to England with all possible expedition. Another advantage to him was, that, the Welsh having revolted before the death of Henry, and remaining unsubdued, the present circumstances of the state appeared to require a warlike prince on the throne. The sex of Matilda and the infancy of her son

Malmfb.
f. 101. hist.
nov.

Gesta Regis
Stephani
inter Script.
Norm. p. 1,
2, 3.

A. D. 1135.

were deemed on this account to be weightier objections, than they might have been in a time of settled tranquillity. Geoffry Plantagenet was at a distance, and not well beloved either by the Normans or English: Stephen was present, possessed of the general affections of both, and thought much more capable of governing a kingdom, than the only certain test of that kind of capacity, experience of him in government, afterwards shewed him to be. The precedence given to him above the earl of Gloucester by King Henry himself, when that earl had disputed it with him in the face of all England, appeared to mark him out as nearest to the crown of all the English peers, if the claim of Matilda was slighted. And the glory of the house into which he had married gave him an additional lustre. For Eustace earl of Boulogne, who served under William the Conqueror at the battle of Hastings, having married the sister of Godfrey duke of Brabant, had by that lady four sons, of whom the eldest, Godfrey Bouillon, was esteemed the best soldier, and the most virtuous gentleman, of the age in which he lived. The conquest of the Holy Land being made under his conduct, he was chosen, in preference to all the other princes who engaged in that enterprize, to be the first Christian king of Jerusalem. But, though he accepted the office, he rejected the name, saying, "He thought it too much presumption for him to wear a crown of gold, where his

Ord. Vit.

of l. ix. p. 757.

Gul. Tyr. de

bello sacro,

l. ix. c. 5.

BOOK I. "Redeemer, had worn a crown of thorns."

Baldwin and Eustace, his brothers, partook with him the honor of the crusade; at the conclusion of which Eustace returned to Bologne, and wisely governed that earldom; but Baldwin staid in the East; where he was first made earl of Edeffa, and then, on the death of Godfrey, elected his successor in the kingdom of Jerusalem, which he ruled with vicissitudes of good and bad fortune, but with such a constant magnanimity, that his renown was almost equal to that of his brother. At the decease of this king, it was proposed that the crown should be given to Eustace, and an embassy was immediately sent to invite him to come and receive it; upon which he went as far as Apulia on his journey to Palestine: but hearing there that his cousin Baldwin de Burg had been elected king of Jerusalem, he renounced his own pretensions, rather than excite a civil war in that kingdom; an instance of moderation which did him more honor, than he could have gained by the acquisition of that or a much greater dominion. This prince leaving no son, his daughter Matilda, who was married to Stephen after the death of her father, brought to her husband, not only the earldom of Boulogne, and an alliance from her mother, with the English and Scotch royal blood, but the veneration that was paid to her father and uncles by the whole Christian world. All these advantages concurred to facilitate his way to the throne; but all these

Gul. Tyr.
l. xij. c. 3.

these together would not have been sufficient to establish him in it with the consent of the nation, bound as they were by repeated oaths to another succession, if he had not allured them, and silenced all their scruples, by an engagement, in which the bishop of Winchester was his surety, to make some concessions demanded by the barons and people of England, and grant to the clergy such favors and privileges, as they had wished in vain to extort from his predecessors. This he not only ratified by an extraordinary oath, which he took at his coronation; and by a general charter, confirming that of King Henry the First and the laws of Edward the Confessor; but, some time afterwards, by another given at Oxford, in which all the particulars of his oath were set down. By one clause of it he settled the bounds of his forests, and gave up all the additions that had been made to them in the reign of his predecessor: in others he promised to redress all the abuses, unlawful exactions, or any other wrongs that the people had suffered from the officers of the crown; to maintain peace and justice; and to confirm *the good laws and ancient and equitable customs of the realm in judicial proceedings.* The laws of King Edward the Confessor are not expressly named in this charter, as they had been in the former given at London; but they were undoubtedly understood to be described by these words. All the other articles regarded the clergy, to whom the king very amply con-

Malmsh. hist.
nov. f. 101.
sub ann. 1135.
Huntingd.
sub eodem.
See also Ste-
phen's char-
ters in the
Appendix,
p. 481.

BOOK I. firmed all the liberties, privileges, and dignities of the church, with all the lands and possessions, which, either by grants, or in any other manner, had been acquired by it after the death of King William his grandfather, or had belonged to it on the day when that monarch died; only reserving to himself the decision of any claims, antecedent to the term abovementioned, of which the church was not actually in possession. He also assured them, that he neither would do, nor suffer any thing to be done, simoniacally; permitted bishops, abbots, and all other clergymen, to dispose of their goods by will; and, if any should die intestate, he allowed that all they left should be distributed as the church should advise and direct, for the benefit of their souls. The lands and revenues of all vacant sees he promised to put into the custody of the clergy, or ecclesiastical officers belonging to the diocese where the vacancy happened, till it should be supplied according to the canons. These were great favors: but he went further still, and bound himself to commit all power and jurisdiction over the persons and property of ecclesiasticks to the bishops themselves: a concession destructive to the civil authority and the most inalienable rights of the crown. It is, however, observable, that in the conclusion he declares, that he grants the whole *with a saving of his just and royal dignity*; a clause not inserted in any other charter, either before, or after, this; and which

which might be so construed, as to invalidate all the liberties he had granted. Probably, the clergy saw this, and therefore declared, in the oath they took to him, *that they would only obey him while he preserved the liberties of the church and the vigour of discipline.* It is very surprising that he should give them leave to clog their allegiance with such a reserve: as he could not but discern that the tendency of it was to make him their slave, not their king; for *the vigour of discipline*, in their sense of those words, signified very little less than an absolute power, to be exercised by themselves, over all persons and affairs. But he was solicitous to gain them on any terms, knowing what an influence they had on the people, and how much he wanted their friendship. To get his election confirmed by Rome was likewise a matter he had greatly at heart; and, some time before he held the assembly at Oxford, he obtained from Pope Innocent the second a bull to that effect. We find, from the words of it, that it was procured for him, by the joint intercessions of the archbishops and bishops of England and Normandy, of his brother the earl of Blois, and of the king of France. There is also an anecdote in some manuscript letters of Gilbert Foliot bishop of London, that discovers the pretence upon which it was granted. Matilda princess of Scotland, King Henry's first wife, and mother of the empress, had been bred in the nunneries of Wilton and Rumsey, of which Christiana,

See it in the
Appendix,
p. 484.

from Ric.
Hagustald.

p. 313, 314.
V. Append.

ibid. from
the Cave M.S.
Epistol. Glib.

Foliot, episc.
Lond. in
Bibliotheca
Bodleiana.

V. Eadmeri
hist. nov.
l. iii. p. 56.

her 57, 58.

BOOK I. her aunt, was abbess, and had appeared there, at certain times, in the habit of a nun. This, when her marriage with the king was in treaty, occasioned some difficulty; upon which she declared to Anselm, that she had taken no vows, nor ever had an intention of engaging herself in a monastick life; but had worn the veil in mere obedience to the will of her aunt, and only in her presence. The reason she gave, why that princess had desired her to wear it, was, that she supposed it would protect her against the seductions of the Norman nobility, very dangerous at that time to the honor and chastity of all English ladies. She further assured the archbishop, that her father, king Malcolm, seeing it once on her head, was so much offended, that he pulled it off, and tore it to pieces. Anselm would not determine the point himself, but called a council at Lambeth, and submitted it to their judgment. Proof being made before them, that all which Matilda affirmed was true, they unanimously declared, she was at liberty to dispose of herself as she pleased; and, to support their opinion, alledged the authority of archbishop Lanfranc in a similar case. For, during the first impressions of consternation and terror, that followed the victory of William the Conqueror at the battle of Hastings, several English virgins had gone into nunneries and put on the veil, as a guard to their chastity against the lust of the Normans; but afterwards, when peace was more quietly settled,

Lan.

Lanfranc, being asked, whether they ought BOOK I.
to be kept to a monastick life, answered in the negative, unless they desired it, from their own choice, at that time. And this determination the council applied to the case of Matilda, only observing, that her plea was certainly better than that of those virgins; because they of their own accord had taken the veil, but she by constraint. The archbishop thereupon declared himself satisfied; and all the nobility and people of England being assembled soon afterwards on account of the marriage, he very fully informed them of the grounds of the sentence which the clergy had given, and adjured them to declare, if they saw any reason to dissent from that judgement: but all having approved it, the ceremony was performed by Anselm himself. Yet notwithstanding this decision of the whole church of England, confirmed by the unanimous sense of the nobles and people; and the entire acquiescence of several popes, through the whole reign of King Henry, in the legality of the marriage; it now was deemed unlawful by the see of Rome; and Matilda's right to her father's crown was supposed to be void on that account; though she also had submitted the merits of her cause to the judgement of the pope, and sent the bishop of Angers to plead it before him, against the ambassadors commissioned by Stephen. Gilbert Foliot, who then was abbot of Gloucester, and happened to be present himself in a coun-

BOOK I. cil which Innocent held on this business, tells us, that, after her advocate had done all the justice he could to her title, which he rested on two points, her right of inheritance, and the oaths taken to her; it was urged, on the contrary, that her right of inheritance being the principal strength of her cause, and the other only secondary, if the first was removed, the other would necessarily fail; that the oath taken to her had been taken as to the lawful inheritrix of the crown; but that she could not be such, because she was not born in lawful wedlock, her father having married one whom it was unlawful for him to marry; and therefore she ought not to succeed to his kingdom. Foliot adds, what is surprising, that to this argument no answer was made by the bishop of Angers. Probably, he did not expect the objection, and so had not prepared a proper reply to it, being, perhaps, not sufficiently apprized of the fact. Yet he could not but know, that Henry, and Matilda the mother of the empress, were married by Anselm: and might therefore have observed, as Foliot does in his letter on this subject, that a prelate, who was then in the odour of sanctity, would not have married them, if there had been any religious objection against it. The pope took advantage of his silence to decide in favor of Stephen; but it is very remarkable, that by none of our writers, not even by the author of the Acts of King Stephen, who is the most partial to that prince,

is any notice taken of this plea having been brought in defence of his claim. Nor did Innocent mention it himself in his bull. From whence, I think, we may infer, that, whatever weight Stephen's friends might give to it at Rome, they were convinced it would be of no use to him in England, where all the circumstances of the case were well known. And, certainly, if the princess had taken any vows, Henry would not have married her without having obtained a dispensation from Rome, which, on account of the great benefit attending a match so necessary to unite the Normans and English, would not have been refused by any pope; especially as the request would have been supported by the prevailing intercession of Anselm. We may therefore conclude that there was really no valid objection against the legitimacy of Matilda's birth. Nevertheless, the bull which Innocent had granted to Stephen, how groundless soever it might be, was very pernicious to the interest of that princess, whose strongest support, either with the English or Normans, was the reverence due to the solemn oaths they had taken, from which the guide of their faith and director of their consciences now set them free. Indeed such a sanction given to perjury is hardly to be found in all the history of mankind! What aggravated still more the indecency of it was the great obligation that Innocent personally had to King Henry, whose protection and friendship had procured him

BOOK I.

Annales Wa.
verl. sub ana.

the 1130.

BOOK I.

the advantage of being favorably received in France, when the antipope Anaclet had driven him from Rome. It is really wonderful, that, so soon after the death of his royal benefactor, he should do all in his power to defeat the succession which that prince had established, and to deprive his posterity of his kingdom, without regard to repeated oaths, the most sacred and most awful ties of religion. Stephen indeed had done much more than his uncle, or any wise king would ever do, to court the Roman see. For besides the many concessions he made to his clergy, in which the interests of that see were concerned, Innocent himself declares in the bull, *that it was granted to him in consideration of his having promised obedience and reverence to St. Peter on the day he was consecrated*; words of a dangerous import, and which too easily might be construed to imply something more than a mere spiritual submission to Rome.

Thus did this prince acquire, or rather purchase, the crown, by such condescensions; both to the papacy, and to his own subjects, as much impaired the dignity of it, and made it sit very uneasily and loosely on his head. The bishops, who saw that he was in servitude to them, pursued their advantage, and in the first parliament held by him at London, after he had received the homage of the barons, made many strong and vehement speeches, setting forth, that under the reign of his predecessor, King Henry, the church had been grievously en-

Geſta Steph.
Reg 8, p. 932,
933.

enslaved and oppressed, and earnestly exhort-
 ing him to restore her to liberty, *give her a
 compleat, uncontrouled jurisdiction over all her
 own members, allow her institutions to be preferred
 to all laws of secular powers, and her decrees to
 prevail against all opposition or contradiction.*

This was going even beyond the terms of his charter, or at least it explained what was there more ambiguously worded. Nor had such a language been ever held before to an English monarch in parliament. Nevertheless, he heard it with patience, and gave his assent to it, in the presence of the whole nation, as far as he could by general words, without passing any act in the form of a law. The wisdom of the legislature was not so corrupted, nor so entirely over-powered by the madness of the times, as to give a legal authority to such propositions: but the clergy made use of the king's unwise complaisance, and proceeded upon it, to arrogate to themselves a total independence on the civil authority, which they had long desired, but had not dared so openly to assert, till they brought-in this prince, not to govern, but to subject the kingdom of England to them and to Rome. Yet, notwithstanding the boundless facility which appeared in his conduct, he really designed to shake off, not only the fetters which they had imposed upon him, but all other restraints: for he was no sooner in the throne than he had recourse to a method of government, which evidently tended to set him above the controul

Malmsh. hist.

nov. f. 101.

L. i.

Gerv. Chron.

p. 1340.

R. Hagustald.

de gelt. R.

Of Steph. p. 312.

BOOK I. of the laws, and absolutely subvert the liberty of the realm.

Germany, France, and the Low Countries, were at that time infested with bands of soldiers, drawn out of several nations, but chiefly from Brabant, Flanders, and Bretagne, who professed themselves independent of any particular country or government, and served for hire and plunder, wherever they believed that there was most to be gained. They were under the command of some able officers, and constant employment had rendered them expert in their business, and intrepid in danger; but they were as licentious as brave. A great army of these, in the first year of his reign, did Stephen bring into England, by means of the treasures his predecessor had left, without any apparent necessity, or any warrant for it in the advice of his parliament; and joined to them some English, who disliked the settled peace of a legal and limited monarchy, wished for publick confusion, and hoped to rise on the ruins of their country. This force, the most odious that can possibly be conceived, he made the chief support of his government; which was such an affront to the honor, and such a violation of the rights of his people, as might alone have been thought sufficient to dissolve their allegiance. It had been one of the greatest complaints against William the Conqueror, that, whereas, at certain times, upon the alarm of invasions, he brought into England more troops than the feudal tenures there

there could regularly maintain, he kept them up unconnected with the body of the nation, quartering them upon convents or the lands of his tenants, and illegally raising immense sums for their pay. William Rufus also hired many mercenary soldiers, without the same excuse of necessity, merely to support a despotick authority in times of peace; and the expence he was loaded with, in maintaining these forces, was the principal cause of his extortions, as William of Malmfbury has observed. But at the restoration of liberty, under the government of Henry the First, this grievance ceased. He hired no foreigners to serve him in England, but settled the whole military force of his realm on the plan of the feudal constitution. When Stephen thought proper to depart from that plan, and govern by foreign mercenaries, he acted rather like an enemy who came to subdue, than a prince who had been chosen to guard and preserve, a well-established kingdom. Yet so unaccountable was his conduct, that, after taking this measure, he permitted all his barons (including even the bishops) to build castles on their lands, under a notion of better defending the country against any attempts of Matilda. But, when he put such a trust in their affection and fidelity, why did he think that his government could not be safe without the support of a foreign standing army? Or, if he could not confide in the loyalty of his subjects, why did he strengthen their hands against himself?

Malmfb. f. 69.
& 17.

BOOK I. himself? His policy was wrong in every light; and he did not understand how to govern, either as a lawful prince, or as a tyrant.

The spirit of the nation would not so patiently have endured his foreign army, if his profuse liberalities had not bought the acquiescence of the principal nobles, and corrupted those whom his soldiers could not fright. But the means of that corruption soon failing by the indigence he was reduced to, the peace of his realm was destroyed by the very methods he had taken to secure it; and his whole life was rendered one dismal scene of affliction and dishonor to him and his people.

Gurv. Chron.
subann. 1136.

Gesta Steph.
Regis, p.903,
et seq.
R. Hagustald.

The first commotions indeed, which were only excited by particular men, who had set up little tyrannies in their own districts, and rebelled rather against the law than against the king, without any general concert or publick cause, were soon overcome. Such was Robert de Batthenton, who, immediately after the decease of Henry, had made his castle a den of thieves; and such the earl of Devonshire, Baldwin de Redvers, whom Stephen drove out of England, after having taken from him the city of Exeter and the isle of Wight. Against a revolt of this kind the natural power of the crown and the valour of the king were more than sufficient: but these light disturbances were soon followed by others more alarming, and which sprung from a more extensive and dan-

dangerous root, It was the characteristick of **BOOK I**
 Stephen to *promise largely and perform nothing*. Malmfb. hist. nov. l. i.
 He paid no regard to either of his charters. f. 101.
 The foreign army was a great and perpetual Huntingdon. l. viii. f. 221.
 object of national jealousy and dissatisfaction, Gerv. Chron. p. 1346.
 The offence this gave was still aggravated by
 the excessive favor shewn to William of Ipres,
 the general of these troops; who, being a
 grandson of Robert le Frison earl of Flanders,
 but illegitimate, had abetted the murder of
 Charles the Good, his cousin-german, in hopes
 of succeeding to the earldom after the death of
 that prince; but was driven from thence by
 William Clito and Louis le Gros, who also Vid. Suger Abb. lib. de vit. Lud. Groffi Reg. p. 316.
 deprived him of his town and castle of Ipres.
 To restore his broken fortune, he put himself
 at the head of these mercenary bands, among
 whom his treason was no discredit to him;
 and brought them to Stephen; who overlooked
 his moral character, or did not believe that
 he was guilty of the crime which was laid to
 his charge. By flattering counsels and bold
 execution he so effectually recommended him-
 self to his master, that he soon obtained his
 chief confidence, to the great mortification of
 the English nobility, who found themselves
 almost excluded, by the influence of this
 stranger, both from the civil and military
 government. Such provocations would have
 raised the resentments of a nation, much more
 passive than this, against a prince with a better
 title than that of Stephen. The prior claim
 of Matilda and of Henry her son was now

re-

BOOK I. remembered again by many of the barons. The earl of Gloucester, who discerned these dispositions, worked upon them in secret; patiently waiting for the season to act with advantage, and preparing the minds and affections of men to a revolution in favor of his sister and nephew, before he openly declared for their cause. The sudden change, which had happened in England after the death of his father, and while he was busied in the affairs of Normandy, had so confounded and stunned him, that for some time he did not know what measures to take; all the engagements and oaths to his family having been at once disregarded, and all the friends of King Henry, to whose hands he had entrusted the greatest power in his realm, having no longer deliberated whether they should desert his daughter and his grand-son, than till they had made their own terms with the earl of Bologne. To have gone over to England, as head of a party in opposition to Stephen, when no such party existed, would have been rashness and folly, which might have ruined the earl of Gloucester, but could have done no service to his sister.

Malmsh.
hist. nov.
l. i. f. 101,
102.

Ric. Hagustal.
de gestis
Steph. Reg.
sub ann. 1136.
Joh. Hagust.
sub eod. ann.

That princess indeed might reasonably have expected a strong assistance from Scotland: but though David, her uncle, as soon as he had intelligence of Stephen's election, had declared for her title, which he had sworn to support, and by a sudden attack had made himself master of all Cumberland and Northumberland,

thumberland, except the town and castle of **Bamburg**, obliging the gentry there to take oaths of allegiance to her as their sovereign; yet those fair beginnings had not a happy conclusion. For Stephen, having assembled a very great army with the utmost expedition, marched at the head of it to Durham, and prevented the siege, which the Scotch were then preparing to lay to that town. David, intimidated at the sight of a force much superior to his, and finding that none of the English declared for Matilda, as he had hoped they would do, retired to Newcastle, and made there a treaty with Stephen, by which he agreed to restore to him all he had taken, except Carlisle: but, as Henry prince of Scotland pretended a right to inherit Northumberland from his grandfather Earl Waltheoff, Stephen promised that he would not dispose of that earldom to any other lord, without having judicially determined his claim. He also gave him the earldom of Huntingdon, notwithstanding the pretensions of Simon de St. Liz earl of Northampton. That nobleman was eldest son to the mother of the prince of Scotland by her first husband, to whom she had brought the two counties: but after his death, upon her marrying David, King Henry, out of regard and affection to him, divided her inheritance, and granted the earldom of Huntingdon to him and her issue by this second marriage; which grant Stephen now confirmed, and added to it Carlisle; the king of Scotland

BOOK I.

desiring that his son should possess them, rather than he himself, because he was unwilling to do homage to Stephen, on account of the former oath by which he had bound his fealty to Matilda.

This accommodation was not very honorable to the character of David, who, in agreeing to it, sacrificed the cause of his niece, which he had engaged to maintain, and vainly endeavoured to clear himself of breach of faith, by refusing to accept in his own person the advantages which he gained at her expence, and making them over to his son. Stephen was happy in thus recovering all the Scotch had surprized, except Carlisle, of which he had still the feudal sovereignty; and (what was yet more important at this juncture of time) obtaining a peace on that side from which he had most to fear with regard to his safety on the throne he had gained. The earl of Gloucester considering it as the entire defeat of all his sister's hopes in England, at least for the present, determined to go thither, and submit to the king: but he made that submission under such a reserve, as seemed evidently to provide and lay in a claim for a future revolt, paying his homage with this condition expressed in the oath of fealty, *that he should be no longer bound by it than Stephen kept his engagements with him, and preserved to him his dignity unhurt and entire.* It was an act of great weakness and folly in the king, to admit of his homage with so dangerous a change of the usual

Malmsh. hist.
nov. l. i. f. 101.

usual form : but it has before been observed, that he had committed the same fault with regard to his bishops : for he looked no further than to the ease of the present hour, and desired, at any rate, to compound with or buy off opposition. We find the name of the earl of Gloucester among the subscribers to the charter at Oxford ; and he continued a year in England, artfully sounding the dispositions of those who were best inclined to his sister, and secretly forming the plan upon which he might act, if the conduct of Stephen and future accidents should give him any means of doing her service. In the spring of the year eleven hundred and thirty seven, both he and the king went over to Normandy.

That dutchy had followed the example of England in submitting to Stephen ; but the empress had friends there, with whom her brother was suspected of caballing in private against the government of that prince. In consequence of this suspicion, though the fact was not proved, William of Ipres was secretly ordered to arrest him, and had suggested a method how to do it securely : but Stephen perceiving, by the earl's not coming to court, that his design was discovered, confessed it to that lord, and swore to him, in words which were dictated by him, that he would never again entertain such a purpose. The archbishop of Rouen was moreover made a surety for the good faith of the king in his future

BOOK I. proceedings towards the earl : but no security could remove the suspicions that each of them had conceived of the other, or give any sincerity to a reconciliation disquieted by incessant doubt and distrust.

See J. and R.
Hagustald.
feb ann. 1137.

About the end of the year Stephen was obliged by new troubles to return into England. The king of Scotland, notwithstanding the peace he had concluded not long before, had raised an army with intention to fall on Northumberland, which he claimed in behalf of his son : but most of the barons of England having marched to Newcastle, in order to oppose his invasion, and negotiations ensuing through the mediation of Thurstin, archbishop of York, he consented to suspend any further hostilities till Stephen should return. This alarm of a storm gathering against him in Scotland brought back that prince, with no small anxiety and disturbance of mind : for he was not insensible that many of the English were disposed to revolt from him ; and therefore prudently dreaded another war on his borders. Yet he would not buy a peace by any greater concessions than he had made in his last treaty. Soon after his landing, embassadors came to him from David, with orders to demand the earldom of Northumberland for Henry, prince of Scotland ; which he peremptorily refused. Indeed the claim was ill founded ; for, though the mother of Henry was heiress to Waltheoff earl of Northumberland,

yet,

yet, as that nobleman had suffered for high treason, his earldom was forfeited, and could not legally descend from him to his daughter. Stephen had hoped, and surely not without reason, that by the addition of Carlisle to the earldom of Huntingdon, which he had confirmed to Prince Henry, he should, for some time at least, have continued unmolested with further demands from that court: but it was the expectation of a great insurrection in England, and an intelligence there with the friends of Matilda, that made David desirous to take up any pretence for commencing hostilities. As soon therefore as Stephen had rejected his suit, he declared war against him; and laid siege to Weark castle: but, after some time had been lost in fruitless assaults of that fort, he abandoned the enterprize, and ravaged all the open country as far as the Tyne in a most inhuman manner; his army committing there such barbarous outrages, as are not to be paralleled by any we read of, even in the irruptions of the Cossagues or the Tartars. The farms and villages they first plundered, and afterwards set on fire; nor did the churches themselves escape their rage. They murdered the sick and aged in their beds, infants at the breast, and priests at the altar. Women in childbed or pregnant they also killed, with circumstances of cruelty too shocking to be mentioned; and carried into captivity the widows and virgins, whom they drove before them in crowds, bound together

BOOK I.

Vid. Johan.
et Ric. Ha-
gustald. sub
ann. 1138.
See also Ail-
red. de bello
standardi,
p. 318, et
Huntingdon,
et Ord. Vit.
sub ann. 1138.

with cords, and stript naked. When any of these were fainting with anguish and fatigue, the soldiers goaded them on with the points of their lances.

It seems strange that the humanity, for which David was famous, did not resist such horrid acts : but he found it useless to forbid what he could not prevent ; the greater part of his army being impatient of discipline, and having been drawn to his standard by the mere desire of plunder ; particularly those who came out of Galloway, which then contained all the country situated to the south or south-west of the Clyde, from Glasgow as far as to the borders of England. The inhabitants of this region, being either a remainder of the Cumbrian Britons (as some authors affirm), or (as others say) of the Irish, planted there in ancient times, had been but lately subjected to the dominion of Scotland, and paid that crown a very imperfect obedience, living under their own chiefs, and retaining still their own manners, which were savage and ferocious. Hence it was, that a province, which David claimed the possession of in right of his son, and should therefore have spared for his sake, was almost destroyed by an army which he himself commanded. Indeed these outrages hurt the whole party of Matilda, by the general hatred they excited in the English against her confederates.

While

While Northumberland was thus wasted, BOOK I.
 King Stephen was detained in the siege of Bedford castle, which the sons of Robert de Beauchamp held valiantly against him above five weeks; but, through the mediation of his brother the bishop of Winchester, it was at last given up, and he marched from thence to the north. On his approach, at the head of a great and regular army, David hastily retired within his own borders. The English pursued him; and, when he found they had advanced almost as far as to Roxborough, he suddenly quitted that town, and took post not far off, in the midst of a morass very difficult of access, where he hoped to lie undiscovered. But he left behind him some troops, which he contrived to conceal in vaults or other secret places; and commanded the citizens to open their gates to the English, intending, about midnight, to bring up his whole army, and surprize his enemies in their sleep, by the help of the citizens, and of the soldiers who remained within the walls.

Ord. Vit. sub.
ann. 1138.
Joh. et Ric.
Hagustald.
ibidem.
Ailredi hist.
de bell. stan-
dardi, ibid.

It is said, that many of the nobles, who served under Stephen, were accomplices in this plot. The danger from it to that prince was therefore very great. But, instead of going to Roxborough, he passed the Tweed, above that town, and wasted a good part of the lowlands of Scotland with fire and sword, in revenge for the depredations of the Scotch in Northumberland; till finding that David would

BOOK I. not, by any provocations, be brought to a battle, and beginning to want provisions for his army, he returned into England, with the glory of having driven the Scotch from thence, and braved them in their own country.

R. Hagustald. One of the contemporary authors assigns another reason for this retreat, namely, that many of the English soldiers, out of a scruple of conscience, refused to bear arms during Lent; a circumstance which denotes the genius of the times, wherein, though religion had but a very small influence, superstition had a great one, over the minds of the people.

Whether any information had been given to Stephen, before he passed the Tweed, of the conspiracy formed in his own army against him, or of David's intention to surprize him in Roxborough, is uncertain: but there is reason to suppose, that his retreat was accelerated by some suspicion of this kind, and that he intended to renew the war after Easter, unaccompanied by those barons, whom, he thought, he could not prudently venture to trust: but he found England in a state which prevented his purpose. That kingdom now laboured under all the evils that an administration both infirm and tyrannical could bring upon it; and those malignant symptoms, which are the certain prognosticks of the most dangerous

Malmfb.
hist. nov.
f. 102. l. i.

dangerous and fatal convulsions, began to appear in all its members. Stephen was soon taught by grievous experience, how unsafe it is for a king to depend upon a loyalty which he has *bought*. The begging of new grants, and with an insolence that would brook no denial, became the sole business of most of the nobility who attended his court. The more he lavished upon them, the higher and more importunate were their demands: they despised him for what he had given, and were ready to make war upon him for what he refused. Matilda's friends worked underhand on the avarice and pride of these men; while those who had any sentiments of affection for their country were most justly offended at the enormous profuseness, which thus exhausted all the wealth of the crown, for the support of an illegal and arbitrary power. They saw their liberty, upon the basis of which their sovereign had seemed to erect his throne, violated by him, and oppressed by foreign arms, brought over, in order to serve, not the crown, but the king; not against foreign enemies, but against his own people. Matilda appeared to them the only deliverer that could be able to break their chains; and they looked back to her, with a return of affection and tenderness which sprung from a remembrance of the good government they had enjoyed under the reign of her father, and a comparison of it with that of his successor.

The

BOOK I.

The earl of Glocester, who had long waited till these inclinations should be ripened, thought it now time to draw the sword. But, before he would proceed to any hostilities, he sent the king a message from Normandy, by which he notified to him, that he renounced all fidelity and friendship towards him, and held himself free from the homage he had done him, both as he (Stephen) had unjustly usurped the crown, and as he had violated his faith to him. What was the breach of faith thus complained of in general words, we are not informed; but it is probable the earl had some act to alledge, upon which he might plausibly ground this charge. He also pleaded his former oath to Matilda, and the nullity of that he had taken to Stephen against the sacred obligation of a prior engagement. To give more weight to this plea, he produced a decree he had obtained from the pope, which enjoined him *to observe the oath he had taken in the presence of his father*. The authority of this *apostolical sentence* (as it was then called) most effectually assisted the cause of Matilda, and virtually absolved all the barons of England and Normandy from their oaths to King Stephen.

That the same pope, who had confirmed the election of that prince, should have been so soon afterwards persuaded to annul it, is very surprizing! I cannot discover, by any other proof, that the friendship between them had

had been ever interrupted from that time to BOOK I
 this. On the contrary, Stephen had lately received from this pontiff a very particular favor; his brother, the bishop of Winchester, upon the death of William Corboil archbishop of Canterbury, having obtained the commission of legate in ordinary for the kingdom of England, which had never before been granted to any English bishop but the abovementioned primate. Nor did Innocent by his subsequent behaviour denote any change in his sentiments; for this very year he sent over into England the bishop of Ostia, as his legate *a latere* to that king; which was owning his title. I am therefore greatly at a loss to know how to account for the abovementioned decree, unless we suppose it inadvertently given, upon a case of conscience so stated as not to discover to his Holiness the intended application. By whatever means the earl of Gloucester procured it from the pope, he very wisely and successfully availed himself of it, both to justify his own conduct, and to bring others back to the allegiance they also had sworn to his sister. His defiance of Stephen was immediately followed by the revolt of Bristol, Dover, and Leeds, which he had received from the king his father, and of some other towns which were in the custody of his kindred and friends, particularly Shrewsbury, Ludlow, and Hereford. The king of Scotland likewise, in concert with whom he now acted, as soon as he had celebrated the festival of Easter, made another

H. of Hun-
 tingdon.
 Ord. Vit. sub
 ann. 1138.

BOOK I. another incurſion into Northumberland ; and his barbarous army ravaged the maritime parts of that earldom, as they had done the western ſide in their former invaſion. From thence they marched along the coaſt almoſt as far as Durham, deſtroying the whole country and its defenceleſs inhabitants with the ſame inhumanity, from which it was not in the power of their ſovereign to withhold them. So little reſpect did the licentious Galwegians pay to his orders, that a diſpute and a tumult having ariſen among them about a woman, who, probably, was one of their captives, they openly threatened to turn their arms againſt him : but, while he was in great fear on account of this mutiny, an alarm was ſpread in his camp, perhaps by himſelf, that a very formidable Engliſh army was coming againſt them ; upon which they retired towards Scotland in the utmoſt confuſion. When the report was diſcovered to be groundleſs, he laid ſiege to Norham with the more orderly part of his forces, and ſent theſe barbarians with ſome other irregulars, under the conduct of William, a ſon of his nephew Duncan, to penetrate into Yorkſhire. They laid all the western part of that country waſte, advancing as far as Clitheroe, where they were oppoſed by a body of Engliſh, whom they entirely defeated and cut to pieces. The gariſon of Norham, intimidated by the defeat of their countrymen, and deſpairing of relief, ſurrendered to David, who offered to reſtore the town and caſtle to

Ric. Haguſt.
p. 318.

the

the bishop of Durham, under whom they were held, if he would take part with Matilda; which that prelate refusing, the king demolished the place, and sat down before Weark, the garrison of which had cut off his convoys while he was employed in other operations: but, as he found there a much more obstinate defence than at Norham, after some loss of men he raised the siege, leaving two of his barons, with their vassals and followers, to hinder the garrison from infesting the country or receiving supplies. From thence he proceeded to the castle of Bamburg, which also appeared unassailable by his forces at this time; but one of its outworks he took; and having destroyed all the corn about this and other forts, which he proposed to reduce with less difficulty by famine, about the end of July he passed the Tyne, and advancing to Durham rested his army in the lands of St. Cuthbert, till he should be rejoined by the Galloway detachment, and to wait the arrival of other irregular forces, which he had collected, not only from Cumberland, and the regions near to that country, but also from the most distant parts of his kingdom. When these supplies were come up, he found himself at the head of above six and twenty thousand men, including some bands of English horse, which served him as confederate with the empress Matilda. Among these were noblemen of high distinction: particularly Eustace Fitz-John, who had been in great trust and favor with

Ailred. de
bello standar-
di, p. 337.

R. Hagustald.
p. 319, 320.

BOOK I. with King Henry; but Stephen, suspecting him of holding a treasonable correspondence with David, had, at his return out of Scotland, arrested him in his own court, and, without any proof of his guilt, or form of a trial, compelled him to surrender his castle of Bamburg. Yet he did not go far enough, either to punish the treason he suspected, or secure himself from it. For, upon the delivery of the castle of Bamburg, he released Eustace, and suffered him to retain two other fortresses of no less importance, Alnwick in Northumberland, and Malton in Yorkshire. Whether that baron was really engaged in a correspondence with David before, as some authors affirm, or, as others say, was provoked to revolt against Stephen by this injury done him, he now joined the Scotch with no small number of his own vassals; as did likewise Alan de Percy, a natural son of the great baron who bore that name. David thus strengthened proposed, either to subdue, or lay waste and depopulate, the whole north of England; while the friends of Matilda, being favored by the diversion he made in those parts, might act with advantage in others, and, as he should advance nearer to them, unite their forces with his; which would enable them to overwhelm those of Stephen. Nor did it seem possible for that prince, by any means, to prevent this design. After a vain attempt upon Bristol he had taken Cary-castle, and soon afterwards Hereford, without any great dif-

Gest. Steph.
Regis, p. 941,
942.
Ord. Vit.
sub ann. 1138.

difficulty; but was now employed where he BOOK I.
 met with a more valiant resistance, in besieging the town and castle of Shrewsbury, maintained by William Fitz-Alan, who had married the earl of Gloucester's niece. If he marched from thence into Yorkshire, he feared that the counties bordering upon Wales, and indeed all the West of England, would revolt to that earl, who had powerful connections and interest there; nor did he dare to call away that part of his forces, which then was employed, under the orders of his queen, in defending Kent, and the southern coasts of his kingdom. Yet the depredations and cruelties of the Scotch were so terrible, that to leave his subjects exposed to them, without any assistance, would, he thought, be an indelible stain on his honour, and force them to seek that protection, he could not, or would not afford them, in a submission to Matilda. He had also cause to suspect, that many of the nobility, in other parts of the realm, waited to declare for her, or for him, as they should see the king of Scotland succeed. In this dilemma, which indeed was very perplexing, he ventured to commit the defence of the north to the northern barons themselves, with the vassals they could raise, sending only a body of horse, under Bernard de Baliol, who was himself of that country, to their assistance. Before this succour arrived, they had assembled together at York, to advise and consult what to do in this exigence, when the approach of so formidable

Ric. Hagust.
 p. 320, 321.
 sub ann. 1138.

BOOK I. dable and cruel an enemy seemed to threaten
 Neubrigenfis, their whole country with utter destruction.
 l. i. c. 5. Their forces apparently were not strong enough
 Ric. Hagust. to fight with the Scotch; they had no probable
 p. 320, 321. hopes of any immediate aid from the king;
 sub ann. 1138. and, what was still worse, they had hardly any
 confidence in one another, a general suspicion
 of treason prevailing among them. This state
 of things so discouraged and sunk their spirits,
 that they were almost ready to give up any
 hope or thought of defence, when the arch-
 bishop of York, both as lieutenant to the king
 in those parts, and as their spiritual guide,
 made them a noble and animating speech; in
 which he vehemently exhorted them to fight
 for their country, and more especially for the
 church, which the sacrilegious Scotch had not
 spared in their depredations; giving them
 confident hopes of victory from the favor of
 Heaven, and assuring them, that to all who
 should die in this cause death would be, not a
 misfortune, but a happiness. He concluded
 by telling them, that he would send all the
 parish priests of his diocese, with their cruci-
 fixes in their hands, and dressed in their holy
 vestments, to go with them into the field; and
 that he intended, God willing, to accompany
 them himself.

This oration, delivered with a force and
 authority that seemed to have in it something
 divine, had a wonderful effect upon his au-
 dience; and Bernard de Baliol happening to
 come at that instant with a reinforcement from
 the

the king, which, though not very considerable, was more than they expected, their spirits were raised, in the same degree as they had been dejected before; and they unanimously resolved to go back to their several manors, call out their vassals, and at the head of them return to York, as the most proper place for a general rendezvous. This being done with very great expedition, the archbishop, desirous to keep up and improve the religious impressions by which he had chiefly revived their courage, appointed a fast of three days; at the end of which, having first heard their private confessions, he gave them a publick and general absolution, with his episcopal benediction. Then, notwithstanding his great age and infirmity, which obliged him, wherever he went, to be carried in a litter, he would have gone with them against the Scotch. But they, after much difficulty and many entreaties, compelled him to stay and put up his prayers for them at home. However, he sent all his vassals along with them, and likewise his crozier, and a banner consecrated to St. Peter. Nor did he forget the parish priests, whom, as he had promised, he ordered to attend them in all their formalities, together with his archdeacon, and one of his suffragans, Ralph bishop of the Orkneys, which islands then were not subject to Scotland, but belonged to the crown of Norway.

There was indeed a necessity to employ all the aids that religion could give, and even to

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raise a degree of enthusiasm in the English troops, who, after the damp which the late defeat of part of their forces at Clitheroe had left on their minds, were going to fight with a victorious army, that, almost trebled their numbers, strengthened by a large body of their own countrymen, and led by a great king, who was assisted by officers formed under the discipline of Henry the First, and by a courageous young prince, whose valour his very enemies praised and admired. Nor could any thing less than the most solemn ties of religion remove the distrust that the barons had conceived of each other's fidelity. Accordingly

R. Hagustald.
p. 321.

Idem, p. 320.
et Ailredus de
bell. stan-
dardi.

we are told, they all thought it necessary to take an oath, that they would not forsake one another, but would conquer or die together. The chief of these were William earl of Albe-
marle, Robert de Ferrers, Gilbert de Lacy, Walter de Gant, William de Percy, Geoffry Harcelin, William Peverel, William Fossard, Richard de Curcy, Robert de Stuteville, Bernard de Baliol, and Robert de Bruce, names that deserve to be recorded in history, for the honor they gained in this action. Robert de Bruce was an old man, of very eminent dignity, valour, and prudence. He had lived from his youth in the Scotch court, and been high in the favor of David, who, besides other presents, had given him a barony in the province of Galloway; but, upon this occasion, preferring the duty he owed to his country before all other ties, he joined the English, with a strong

strong body of excellent soldiers. Roger de Moubray, a young boy, was also, the better to encourage his vassals, brought along with them. He was the son of Nigel de Albiney, who, at the battle of Tinchebray, killed Duke Robert's horse, and took him prisoner, for which and other great services he received from King Henry the forfeited lands of Robert de Moubray earl of Northumberland, who had been condemned for high treason against William Rufus. Together with the estate this infant baron inherited the title of Moubray, and was at this time the king's ward. But the man, whose counsels they all regarded most, was Walter Espec, a gallant old officer, of a very extraordinary strength and stature, who, from his long experience in the art of war, joined to a most amiable and venerable character, was revered as a father and obeyed as a general by the whole army, the direction of which is by some of the best contemporary writers ascribed to him; though the earl of Albemarle, from his rank and high birth, must, I suppose, have had the chief command. As they marched towards the enemy, they sent Bernard de Baliol and Robert de Bruce to the king of Scotland, who had not yet left the bishoprick of Durham, to persuade him to desist from his ravages, upon an assurance, that they would obtain from their sovereign the county of Northumberland for Prince Henry his son. In all probability, Bernard de Baliol had brought instructions and

V. Monastic.
Ang. Vol. ii.
193. A. N.
20. 40. vol. i.
128. B.
Gemiticen.
296. B. et
Dugdale's
Baronage.

V. Auth. ci-
tat. ut supra.

Ric. et Johan.
Hagustald.
sub ann. 1138.

BOOK I. powers from Stephen to make such an offer, but so as to have it appear, that it arose from his barons, rather than from himself. David, who had more considerable objects in view, received the proposal with scorn. Robert de Bruce hereupon renounced the homage he had done him for the fief he held of his crown, and Bernard de Baliol the fealty which he also had sworn to him on a former occasion; after which they both returned to the English camp. David then passed the Tees, and began to ravage Yorkshire, not supposing that the English would dare to oppose him, as his forces were so superior in number to theirs: but he soon found his error; for they boldly came on to meet him, as far as a plain called Cuton Moor, about two miles from North Allerton, resolving to wait for him there and give him battle. As soon as they arrived in this plain, which was about break of day, on the twenty second of August, in the year eleven hundred and thirty eight, they erected a standard of a very peculiar contrivance. It was the mast of a ship, fixed upon a wheel-carriage, at the top of which was placed a silver pix, containing a consecrated wafer; and under that were hung three banners, dedicated to St. Peter, St. John of Beverley, and St. Wilfred of Rippon. All these decorations were proper to strike the imagination, and probably were suggested by the archbishop of York, to keep up that spirit of religious enthusiasm he had wisely inspired. In fighting

Ailredus de
bello stand.
Ric. et Joh.
Hagust.

ing under this standard the soldiers believed themselves engaged in a holy war, the champions of Christ, and of those saints and martyrs, whose ensigns were thus waving over their heads. It became so famous, that some contemporary authors, in the title they prefixed to their histories of this war, called it *The war of the standard*. When it was raised and set out with all its appurtenances, Walter Espec, who joined to his other great qualities a flow of natural eloquence, mounted the carriage upon which the mast was sustained, and from thence harangued the army with a military oration, well adapted to his purpose. He observed to them, that numbers did not decide the event of a battle, put them in mind of the glory which the Normans had gained in many parts of the world, and how often a few of them had overcome great armies. He spoke with contempt of the Scotch, and particularly recalled to the memory of his countrymen, that one of the most warlike kings of that nation, Malcolm Canmore, had submitted to do homage to William the Conqueror, when that monarch had carried his arms into Scotland, without so much as daring to hazard a battle. He shewed them the great advantage they had in their armour against enemies almost unarmed. He emphatically set before them the goodness of their cause; that they were to fight for a king desired by the people, elected by the clergy, anointed by the archbishop, confirmed by the

Ailre us, et
Ric. Hagust.
Ailredus de
bell. stand.
p. 338 ad 342.

BOOK I.

pope; and not only for him, but likewise for their country, their wives, and their children, nay to defend even their altars from sacrilege, profanation, and flames. He painted to them in strong colours all the horrid barbarities, which the Scotch soldiers, especially the Galwegians, had committed; their rapes, their murders, their tossing up little children into the air, and receiving them again on the points of their lances, for sport and diversion, with other nefarious and execrable deeds. He told them, that they were to fight, not with men, but wild beasts, who had no sense of piety, none of humanity; who were odious to man, abominable to God; who would certainly have been destroyed by lightning from Heaven, or swallowed up by an earthquake, if they had not been reserved to fall that day by the swords of the English; that the archangel Michael, the saints, and martyrs, whose temples and altars those savages had polluted, would combat against them at the head of their enemies; nay, Christ himself, whose body in the sacrament some of the Galwegians had impiously trod under foot, would, he said, rise up in vengeance against them, and aid the English arms. He exaggerated to them the thanks, the rewards, the honors, the power, which they might, if they were victorious, expect from the king, who would in effect receive his crown again from their hands; and concluded by saying, they must conquer, or die; for who among them could endure to
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survive a defeat, that would give up his wife to be defiled by the lust of their enemies, and his children to be stuck upon the points of their lances? Then, turning to the earl of Albemarle. and taking him by the hand, he said, "I pledge my faith to you, that I, this day, will either beat the Scotch, or be slain by the Scotch." Upon which all the nobles cried out with one voice, that they also bound themselves by the oath he had taken. They now drew up in order of battle, and with as much judgement as the military art of those times would permit. Being greatly outnumbered by the enemy, they formed themselves into one compact body, or phalanx, composed wholly of foot: for the generals had commanded all the cavalry to dismount, except a few, whom they posted in the rear, to guard the horses of the others, which were removed to some distance, behind the army, that they might not be affrighted with the shouts of the Scotch. Almost the same disposition had been made by Harold, at the battle of Hastings; except that here, intermingled with the heavy-armed soldiers, and under their protection, was placed a good number of archers and of pikemen. In the foremost ranks were all the bravest of the barons and knights; but the more aged nobles, with the infant earl of Northumberland Roger de Mowbray, stood in the midst of the phalanx, about the standard, and some of them were mounted upon the carriage it was fixed to; that from thence they

Ric. Hagust.

p. 322.

Joh. Hagust.

p. 262.

Ailred. p. 343.

BOOK I. might commodiously see the whole action, and be seen by their vassals. It may be presumed that the flanks of the English army were defended by morasses or entrenchments; for, as they had come into the field before the Scotch, they chose their ground, and had leisure enough to throw up works, if any were needful. Thus they expected the enemy, who did not arrive till they were completely formed. The king of Scotland, at sight of them, ordered his army to halt, and consulted with his officers, in what manner he should attack them. Most of them advised him to compose his vanguard of all the men at arms and all the archers in his army; being apprehensive, that, if the ill-armed and undisciplined multitude should begin the attack, they would not only be defeated, but would put all the other forces into confusion. This advice was good, and so the king thought it; but the Galwegians, claiming a right to be always placed in the van, which they esteemed the post of honor, would not give it up. They urged the late victory obtained by them at Clitheroe, against a body of English forces as well armed as these; and argued from thence, that to brave men heavy armour was rather an incumbrance than an advantage. But this seeming to make no impression upon David, the earl of Strathorne, who thought himself interested in the dispute, asked the king with much heat, why he preferred these foreign troops to his own, when the best armed man of them all should
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not go further in the battle, that day, than he ^{BOOK I.} would without armour. Which being heard by Alan de Percy, he replied, “ Earl, you “ have spoken bold words, and such as you “ will not make good.” David, afraid that they should quarrel, interposed his authority, and permitted the Galwegians to carry their point. His second line, commanded by the ^{V. Ailred.} young prince of Scotland, was composed of ^{P. 343.} the Cumbrian and Tweedale militia, strengthened by English archers and cavalry of the king’s household, and by some under the con- ^{V. Huntingd.} duct of the lord Eustace Fitz-John, who also ^{f. 222. sect. 50.} joined this division. There was a third line, ^{Ailred.} or rear-guard, consisting of Lothian and High- ^{ut supra.} land foot; and a body of reserve, led by David himself, in which were the Lowland Scotch, with the chief nobility of that nation, and some English and Norman knights, whom the king kept about his person. But, while the two armies were still at some distance, ^{Ailred.} though in sight of each other, Robert de ^{P. 344, 345.} Bruce, having obtained the consent of his ^{346.} friends, the confederate barons, went over to David, not, as before, to treat with him in their name, but as a private friend, attached to him by gratitude and affection, who came only to advise him, out of concern for his safety and interest. He gently put him in mind of the many great services which the English and Normans had done to his family, himself, and his crown; that no longer ago than the last year he had been under a necessity

sity to call in their assistance against a rebel
 subject; that Walter Espec, and other barons
 of England, had, with the greatest alacrity,
 brought him men, arms, and ships, in that
 exigence, and by the terror, which they
 struck into the hearts of his enemies, subdued
 the rebellion, and delivered the leader of it
 into his hands. He told him, that they now
 were hated by the Scotch, for having subjected
 them too much to his power, and even taken
 from them all hopes of rebelling again: but it
 was surprising that so wise a monarch should
 render himself the tool of that hatred, and
 fight against those who were the principal sup-
 port of his throne; that by acting thus he
 endangered, not only himself, but his son,
 who might live to want the aid of those faith-
 ful friends, whom he, that day, was making
 his enemies; that he ought to consider very
 seriously, how far he might, before God, be
 involved in the guilt of so much innocent
 blood as was shed by his troops, and of the
 other enormities they committed, though, in-
 deed, against his own inclinations and orders;
 that the grief and abhorrence, expressed by
 him at the sight of those abominable crimes,
 would not be thought sincere, if he suffered
 them to go on unrestrained, and neither pu-
 nished the past, nor prevented the future;
 but, on the contrary, rather authorised them
 by his presence; that these reasons alone
 ought to induce him to end this barbarous
 war, though there had been none to resist him

in his attempts, or though he could be absolutely sure of success; but that no contemptible army was now brought to oppose him, not more inferior to his in numbers, than superior in arms and real strength; that they were resolved either to conquer, or die in the field, which alone would be sufficient to give them the victory; nor did they make any doubt of obtaining it; and, therefore, he was grieved to the heart at the thought, that he should be forced to behold his good master and friend, who had been always so gracious and liberal to him, with whom he had been bred, even from his earliest youth, and in whose service he had grown old, either disgracefully flying, or unhappily slain. At these words, a burst of tears broke off his discourse; which so affected the king, that he himself also wept; and knowing the worth of the man, his wisdom, and his courage, he was perfectly convinced, that what he had said to him could proceed from no motive but honest affection, and began to incline to a treaty. But his nephew's son, a young man of an impetuous temper, whom his late victory over the English at Clitheroe had rendered more confident, vehemently opposed it, accusing Bruce of high treason against David, his lord. And, as he had been a chief counsellor of the war against Stephen, he now urged to the king his engagements with the empress, and every other argument that he believed would dissuade him from thinking of a peace. It was indeed an im-

BOOK I. improper season to take up those thoughts: he was too deeply engaged; nor could he now go back with honor, either as a king or a soldier. His sense of this made him reject the counsels of Bruce, who thereupon left him, after having a second time, and in the most solemn manner, according to the custom and form of that age, renounced the homage he had formerly done him; as it was no longer consistent with the higher allegiance he owed to the king of England, his natural sovereign; and as he thought himself justly and honorably freed from it, when he had ineffectually employed all means in his power to reconcile both. He had but just time to rejoin his friends, before the vanguard of the Scotch began to advance; at sight of which, the bishop of the Orkneys, whom the archbishop of York had sent as his suffragan, and in his place, to attend on the English army during this war, made a short speech to them, wherein he exhorted them to fight valiantly, *for the remission of their sins*; which all of them appearing resolved to do, and with great marks of devotion striking their breasts, and calling on God to assist their arms, he gave them first a general absolution, and then his blessing. The Galwegians, who in their manner of fighting much resembled the ancient Celts, raised three terrible shouts, or rather yells, and charged with such fury, that they compelled the English pikemen in the first rank to give ground, but were presently repulsed by
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the men at arms; and their spears, which were long and slender, being broken against the helmets and breast-plates of iron, they threw them away, and undauntedly maintained the fight with their swords. But, while they attacked the men at arms with much disadvantage, from being themselves defended only by bucklers made of cow-hides, the archers, intermixed with these, so galled them with arrows, (which were incessantly falling upon their heads, or levelled directly at their faces and breasts) that, after a great loss of men in their front, those on their flanks began to be intimidated, and quit their posts. The prince of Scotland, seeing this, advanced to their succour, and made so fierce an attack upon the English, that in one part he broke through them, and passing beyond their hindmost ranks fell with his cavalry upon that troop of their horsemen, which had been appointed to guard the horses of the knights who fought on foot; and drove them before him, about the space of two furlongs. This was the decisive moment of victory, if he had been well seconded by the rest of the Scotch, before the enemy could have time to recover their order; or if, instead of amusing himself with the pursuit of their cavalry, he had immediately turned, and charged the broken phalanx, or body of foot, in the rear. For the terror and confusion were so great, that the common soldiers and archers, intermingled with the knights, or men at arms, were, in every part of it, beginning

BOOK I. beginning to quit their ground; when one among them, whose name no historian has recorded, having cut off the head of one of the bodies slain near him, held it up, and cried aloud, *that it was the Scotch king's*; which immediately stopped their flight. They closed their ranks, and with redoubled alacrity charged the Galwegians; who could no longer sustain the arrows of the archers and swords of the knights, but, their two chiefs having been slain, fled out of the field. The victorious English then attacked the third line of the Scotch, in which were placed the Lothian and Highland troops, who hardly stood the first onset. The king, enraged, at their cowardice, quitted his horse, and commanding all the barons and knights who were with him in like manner to dismount, advanced on foot, to encounter the enemy, at the head of his body of reserve. But the contagion of fear instantly spread from the others to these: and most of them shamefully abandoned their sovereign, without even waiting the approach of the English. David himself refused to fly; and it was with great difficulty, that the knights of his guard, and a few of his bravest nobles, who still remained with him, having remounted their horses, which had been placed in their rear, set him likewise on horseback, and happily led him away from death or captivity, before the English army, which from the closeness of its order was slow in its motions, could come up to attack him. As their cavalry

Ailred. ut
suprà, p. 346.

valry had been all driven out of the field, they could not at first pursue the king in his flight; and to this alone it was owing, that he and some part of his vanquished army were saved from the hands of their enemies. For many of those who had forsaken him before, seeing the royal standard, which was carried along with him, gathered about it; and, not being pursued or molested for some time, formed by degrees such a body, that when, afterwards, some of the English horsemen came up, they found them so strong, and marching in such good order, that they durst not attack them. Thus David returned safe to his city of Carlisle. But he was two days in great anxiety about the fate of his son. That prince, at his return from his too eager pursuit, found the Scotch army defeated and driven from the field. He then had only his knights, or body of cavalry, with him; the rest of his division being dispersed or destroyed. These were too few to contend with an army elated by victory. He therefore commanded them to throw away all the marks that distinguished them from the enemy, and mix with them, as if they had been the English horsemen come up to join their countrymen in the pursuit of the Scotch: by which means they pass over the field of battle unopposed, if we may believe a contemporary historian. Certain it is, that, to avoid the pursuit of the enemy, they left the strait road, and wandered so far in the desert parts of the country, that they did not

Ailred. p. 346.

Ailred. ut
supra.

BOOK I. not get to Carlisle, till the third day, after the king, with the remainder of his forces, had reached that town; though, in order to go the faster, they disincumbered themselves of all their heavy armour. The Scotch infantry, which had sustained the greatest loss in the battle, suffered still more in the flight: for being ignorant of the roads, and dispersed in small parties, they rambled, to a great distance, over all the northern counties, and were cut to pieces, not only by the soldiers who pursued them, but by the country-people, who rose upon them, wherever they came, and slaughtered them without mercy, leaving their bodies unburied, to be devoured by dogs, or by the birds of the air. To compleat their destruction, when any separate parties, of the different nations, or provinces, that made up their army, happened to meet in their flight, they attacked one another with the most hostile fury, each imputing their defeat to the fault of the other. The number of the slain must, upon the whole, have been great: for of those alone who had come out of Scotland, besides the confederate and auxiliary forces, above ten thousand are said, by a contemporary author, to have been killed in the engagement, or in the flight. And another historian of the same age reports, that in the field of battle eleven thousand of the Scotch were left dead: but it must be supposed that among the Scotch he includes the Galwegians. Several knights were taken, and many banners, with

V. Ric. et
Jo. Hagust.
subann. 1138.

Ric. Hagust.
p. 322.

Huntingdon,
l. viii. f. 223.

Ailred.
p. 246.

with almost all the Scotch baggage. The Eng-
lish lost only one gentleman of distinction, and
very few private men. None of their leaders
were wounded; nor was any circumstance
wanting to complete their triumph, but to
have made the king of Scotland their prisoner;
a glory reserved for the more fortunate reign
of Henry the Second.

BOOK I.

As soon as the news of this victory was
carried to Stephen, he rewarded the earl of
Albemarle and Robert de Ferrers, by making
the first earl of Yorkshire, and the other earl
of Derby. Both had distinguished themselves
in the action; the former especially, who seems
to have had the chief command; and the latter,
on the first summons of the more northern
barons, had brought out of Derbyshire a good
body of troops, which ready assistance much
contributed to the defeat of the Scotch. We
are not told of any new or extraordinary ho-
nours conferred by the king on Walter Espec
or Robert de Bruce, who both deserved his
highest gratitude: but, as he was liberal even
to profuseness, it may be presumed that these
gentlemen had a share of his bounty, and
were amply recompensed by him with money
and lands. Fortune now appeared to declare
in his favor: for, besides this unexpected
success in the North, his arms were prosperous
in many other parts. The same week in
which his barons won for him the battle of
Cuton Moor, he himself reduced the town
Vol. I. U and

Ric. Hagust.
p. 322, 323.Ord. Vit.
l. xiii. sub
ann. 1138.

BOOK I. and strong castle of Shrewsbury, which were held by William Fitz-Alan; and finding that his clemency upon other occasions had done him no good, he tried what great severity would do upon this, by putting to death Arnulf de Heding, uncle of Fitz-Alan, with all the principal men of the garrison; Fitz-Alan himself having escaped his vengeance by flight.

During these events, the queen had been employed in besieging Dover-castle, with the assistance of her own hereditary subjects, the people of Boulogne, who brought a fleet, to block up the harbour, and prevent the entrance of succours which the empress might send from her territories in France; an enterprize well concerted and executed with vigour. Yet the place was so well defended by the valour of the garrison, that it could not be taken, till Robert de Ferrers persuaded the governor, who had married his daughter, to surrender it upon terms. This grievously affected the earl of Gloucester; for the being in possession of that castle and port was an advantage of the most essential importance to him and his sister. One should have thought, that, when he sent his defiance to the king, he would immediately have come over to England: but it is probable that he waited to see what success the arms of David would have in the north of that kingdom, hoping that Stephen would be forced to turn his that way, and thereby leave the western

western and southern coasts more unguarded. BOOK I.
 But the speedy defeat of the Scotch by the northern militia broke all his measures, and constrained him to remain a year longer abroad.

Stephen, however, was so remiss in pursuing the advantages he had gained, that David had time to recover from the blow he had suffered; which, if it had been followed by a vigorous war, might have been dangerous to his realm; but, no English army coming against him, he had leisure to recruit and strengthen his own, confirm their courage, heal their divisions, and even put them in a condition of acting offensively upon the borders. His first attempt Ric. Hagust. P. 323, 324. was made against Weark castle, which he besieged for some time; but, finding it would be more easily taken by famine than by assault, he changed the siege into a blockade, and went from thence to Carlisle, where, about Michaelmas, he held a great council, at which repaired to him Alberic bishop of Ostia, legate *à latere* to the two kings of England and of Scotland.

As this prelate passed through Durham, he found there, confined in the castle, the chancellor of Scotland, William Cumin, who had followed his master into England, and had been taken prisoner in his flight from Cuton-Moor. Knowing that he was a person in great favor with his prince, and much esteemed by his countrymen, the legate procured his

BOOK I.

release, and presented him to David; at the same time exhorting and imploring that king to put a speedy end to so cruel a war, out of compassion to the church and to his own subjects. But he could obtain no more by this mediation than a suspension of arms till Martinmas following: nor did that extend to Weark-castle, which was soon afterwards constrained to capitulate, for want of provisions; and, by the commands of David, was demolished. The legate then interceded strongly with the Galwegian nobility, and had influence enough to engage them to set free and bring to Carlisle, before the expiration of the above-mentioned truce, most of the women, whom they themselves, or any of their people, had carried into captivity out of the English dominions. He likewise obtained a solemn promise, from them, and all the rest of the barons of Scotland assembled there, that they would abstain, for the future, from violating churches, and killing women and children, or any other persons who should make no resistance. Having performed these good offices, so becoming his function, he returned into England, and held a legatine synod at Westminster, some canons of which were very derogatory to the rights of the crown, and such as Stephen should not have permitted to be made, or even received in his kingdom, if he had been able to contest any point, at this time, with the pope, or had known where it was proper to make a stand, and where to give way. I shall say more upon

Decemb. 13,
1138.
Ric. Hagust.
p. 326, 327.
328.

upon this subject hereafter, when I come to consider the enormous encroachments of the ecclesiastical power upon the civil, during the course of this reign.

The bishop of Ostia, agreeably to the instructions which he had received, used all endeavours to mediate a peace between England and Scotland. He found Stephen himself and most of his council very averse to it: for they were elated with victory, and desirous of taking their revenge upon David, for the mischiefs that his army had done in this war, and for his having a second time assisted Matilda, after a peace so lately made on terms advantageous to him and his family. Nor did they think they could depend on any stipulations which he might agree to; unless, by weakening him more, and striking a greater terror into his subjects, they put it out of his power to break his engagements. But the queen, who still retained a tender affection, both for that monarch, her uncle, and Prince Henry, her cousin, passionately desired to procure a reconciliation between them and her husband. The legate, perceiving that he had her on his side, redoubled his instances; but was obliged to leave England, without having prevailed. Nevertheless, what all his credit and skill in negociation could not perform, the stronger influence of her importunities, and the fondness that her husband most justly had for her, at last effected. About the beginning of April, in the year

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BOOK I. eleven hundred and thirty nine, a peace was made, on these conditions; that Stephen should grant the earldom of Northumberland in fief to Prince Henry, except the towns of Newcastle and Bambergh, which he should retain in his own hands; but the full value of the revenues thereof was to be made good to that prince, from other lands situated in the south of England. Such of the barons who belonged to that earldom, as were willing to hold their lands of him, were permitted and required to do homage to him, saving their fealty to Stephen. But there was an article, that the laws of Northumberland, as they had been, settled by King Henry, should be maintained without any alteration. All the fiefs that the prince of Scotland had held, under homage to the crown of England, before the war, were likewise confirmed to him by the words of this treaty. In return for which, he, and the king, his father, promised to continue in friendship with Stephen, and be always faithful to him, as long as they lived. But, to secure their fidelity, five sons of Scotch earls were given to him as hostages. The queen of England herself had taken a journey to Durham, in order to negotiate this peace with her uncle; and her mediation appears very evidently in it; for it was more favorable to David than he reasonably could expect, and none of the counsellors of Stephen approved of it, if we may believe some of the best contemporary historians. Yet she had much to alledge in vindication of it,

it, from the circumstances her husband was in BOOK I.
at this time.

Whatever advantages the defeat of the Scotch, in the preceding year, might have produced, if vigorously pursued, that season was lost: they now had recovered strength; nor was Stephen, after all these favors of fortune, much more able to carry the war into Scotland this year, than he had been the last. The city of Bristol and several other forts were still in the possession of Matilda's adherents, who would be sure to extend themselves on every side, if they were no longer restrained by the arms of the king. It was also necessary for him to cover his coasts against an invasion, and to secure, by his presence, the heart of his kingdom, where any disturbance would be most dangerous. The desire of revenge ought to give way in wise councils to considerations of safety; and nothing could so much assure to that prince the dominion of England, as a settled peace with Scotland. He might also fear, that, the legate having laboured so earnestly in it, the pope would be offended at it's being too obstinately and harshly refused, which to him was an apprehension of the greatest moment.

But still it was hard, and seemed to be cowardly and ignominious, after so important a victory, to submit to a treaty on almost the same conditions as had been rejected before the war. The northern army, if enforced by

the addition of a few troops, would have sufficiently guarded the borders against a beaten enemy, till Stephen should find himself in a better situation to make an offensive war upon Scotland; and it was indisputably more becoming a prince, who possessed any constancy or greatness of mind, to let things continue a short time in that state, than come into a dishonorable, or, at the best, an inglorious accommodation.

These reasons, to which the king was by no means insensible in his own temper, and which some of his ministers strongly urged, would have prevailed over those that were alledged by the queen, if his great affection for her had not turned the scale. The conduct of David was truly magnanimous. He treated with Stephen as if he had won the battle he had lost, and by that spirit acquired a superiority over him, which put it in his power almost to prescribe the conditions of the peace. But how advantageous soever it was to the Scotch, Matilda and her party were sacrificed by it; and, if Stephen had known how to improve the advantage it gave him in England, he would have had no great reason to be dissatisfied with his queen for having been the mediatrix; especially as his honor was in some measure saved, by it's being supposed that he had granted it only to her intercession.

As soon as the treaty was signed, the new earl of Northumberland went to Nottingham, and

and there paid his homage to Stephen: nor BOOK I.
 did he barely perform the ceremony of a vassal, but attended him afterwards to the siege of Ludlow, and behaved himself very bravely. In one of the attacks, approaching too near the wall, he was pulled from his horse by an iron hook, and would have been taken, if he had not been instantly rescued by the king himself, who disengaged him with great hazard to his own person. This endeared Joh. Hagust. subann. 1139.
 them to each other; and at their return from the siege, which Stephen was soon afterwards obliged to raise, a lady of his court, who was sister to William earl of Warren and Surrey, added another attachment, to bind the affections of Henry to England, and to the party of Stephen, in which her family was engaged. The young prince fell in love with her, and See Gemitic. l. viii. c. 37, 40, 41.
 married her, with the consent of the king, his father. Her blood indeed was so noble, Ord. Vital. l. xi. p. 806.
 that the match was hardly unequal: for her father was related to the Norman kings of England, and her mother was a daughter of Hugh the Great, earl of Vermandois, and second brother to Philip the First, king of France. That lady, before her marriage with the late earl of Warren, had been wife to Robert earl of Meulant, the principal minister of King Henry the First, and brought him three sons; of whom the two eldest, having succeeded to their father in his earldoms of Leicester and Meulant, were in great favor with Stephen; as was likewise the young earl
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BOOK I. of Warren and Surrey, her son by her second husband. Thus all things contributed to establish a firm peace between the two crowns, and to crush the hopes of Matilda, who saw herself again abandoned and sacrificed by that power, in which she had put her surest trust. Stephen, no doubt, might easily have subdued the feeble remains of her party in England, if he had not given new life to it, by an unreasonable quarrel with the church, which had been his greatest support, and which he ought to have kept attached to his interest, till he had entirely pacified and reconciled to himself the rest of the kingdom. This dissension took its rise from the following cause.

Gest. Steph.
Reg. 943.
944, 945.
Ord. Vit.
Huntingdon.
sub ann. 1139.
Neubrigenis,
l. i. c. 6.
Malmsh. hist.
nov. l. i.
f. 102, 103,
104.

The bishop of Salisbury had extorted from the crown such immoderate favors, and used them with such arrogance, as drew a heavy load of envy upon him from all the nobility, and excited the jealousy of his sovereign himself. The highest offices of judicature and government, those of grand justiciary, chancellor, and treasurer of England, were all engrossed by him and his family. Nor was he contented with this vast extent of civil power, but sought to acquire a military strength, still more invidious, and more inconsistent with his spiritual character. Besides adding to the fortifications of the castle of Sarum, which he had obtained from King Henry, he built three others at Sherburn, at the Devises, and at Malmesbury, during this reign, with such an extraordinary strength and magnificence, as seemed to shew,

not

not only an opulence, but thoughts, and views, too great for a subject. In emulation of him, and (as it appeared) in confederacy with him, the bishop of Lincoln, his nephew, had also built a strong castle at Newark, and another at Slesford. Stephen, who was of a nature prone to suspicion, took umbrage at this: and he had many about him, particularly the earl of Meulant, his principal counsellor, who accused both these prelates of treasonable intentions, as if they had a secret purpose to deliver these forts, which they had erected at so vast an expence, into the hands of the empress. The charge was supported, not by any direct or positive evidence, but by jealous surmises, or common fame; one fact alone, which could even be accounted a presumptive proof, being alledged in confirmation of it, viz. that the bishop of Salisbury had refused to permit the lord Roger de Mortimer, with a detachment of the king's horse, who were in great fear of a superior party from Bristol, to lodge a night in his castle of Malmesbury. That prelate's black ingratitude to his late master made any distrust of him appear not ill-founded. Yet it was very improbable, that he should have a desire to return to Matilda, whom he had offended so highly, and knew to be of a temper not inclined to forgive. Perhaps those who accused him were not so convinced of his guilt, as impatient of his power. He might also suffer from that which is frequently the worst offence in a court, the having conferred
on

BOOK I on his sovereign too great obligations, and seeming to know it too well. Nor was his wealth a small temptation to the prodigal king, who had spent all that the frugality of his predecessor had saved, and could find no means to replenish his empty exchequer, but by the spoils of a minister who had immoderately enriched himself and his family in the service of the crown. Nevertheless it was a most arduous and dangerous matter, considering the ferment the nation was in, and the privileges of the church, which would certainly be pleaded in this affair, to attack a prelate more strongly protected by those privileges, than by all the forts which he had built, upon loose presumptions alone. From a just sense of this difficulty, Stephen, for some time, resisted the advice of his favorites and the bent of his own inclinations; but he had not resolution enough to persevere in that prudent forbearance. Having called a great council at Oxford, he summoned thither the bishop of Salisbury, with the rest of the barons. That prelate obeyed, though most unwillingly; his mind foreboding some evil to him from it, either because he was conscious of having deserved the king's displeasure, or because, from his knowledge of men and courts, he apprehended that his innocence would not secure him. He had, for some time, but rarely attended his master or the council; and when he did, it was with such a number of armed men in his train, that he seemed to come thither rather to
brave

brave than to serve him, and more particularly **BOOK I.**
upon the present occasion. His nephews, V. auctores
the bishops of Ely and of Lincoln, followed citāt. ut supra.
his example in this ostentation, and came to
Oxford with military retinues, sufficient to
have raised a jealousy in the king, though he
had entertained none before. But this, which
they intended for their security, or possibly for
a vain parade of their strength, brought on
their destruction. For a quarrel arising be-
tween some of their servants, and those of
Alan earl of Richmond, about their lodgings,
a sudden tumult ensued, in which blood was
shed on both sides, one knight was killed, and
a nephew of the earl was dangerously wounded.
Who were the aggressors is not clear; but the
retainers of the two bishops having gained the
advantage, they made an assault on the servants
of Hervey de Levins, another nobleman of high
rank, who was particularly under Stephen's
immediate protection, because, to pay his re-
spects to that prince, he had come over from
Bretagne into England, which he had refused
to King Henry, though often invited. Some
authors say, that the cause of this riot was
purely accidental; but others suppose, that it
was stirred up by the artifice and secret in-
stigations of Waleran earl of Meulant, who
sought an occasion of drawing the bishops into
some misdemeanor, which might be a pretence
to justify the king in seizing their castles.
Whether it happened by accident or contri-
vance, he and his brother, the earl of Leicester,
assisted

assisted by other temporal barons there present, soon put an end to it ; and, using the authority of the king's name, arrested the bishops of Salisbury and of Lincoln, the first in the chamber where the great council assembled, the other in the private house, or inn, where he lodged : but the bishop of Ely, whose lodging was out of the town, upon hearing what had happened, got into the castle of the Devises, which belonged to his uncle, the bishop of Salisbury, and determined to maintain it against the king. If he had fled to his bishoprick, and taken asylum in his cathedral, he would have embarrassed him more. Stephen thereupon sent William of Ipres, with some of his mercenaries, to lay siege to the castle, and presently afterwards followed him thither himself. When he set out on this enterprize, he left the bishop of Lincoln in prison at Oxford : but carried along with him the bishop of Salisbury, and his son, the lord chancellor, under strict custody ; swearing to the first, that he should remain without food, till his nephew, the bishop of Ely, surrendered the castle ; and ordering the other to be hanged on a gibbet before the gate, if it was not opened to him at the end of three days. Ordericus Vitalis relates, that the chancellor's mother, being in the castle, and having the custody of the principal tower, delivered it up, to save the life of her son, against the will of the bishop of Ely, who paid no regard to the king's threats, or his uncle's entreaties : but others say that the
bishop

bishop was brought to capitulate by the greater **BOOK I**
danger in which he saw his relations. Certain
it is, that this fortress, accounted at that time
one of the strongest in Europe, was yielded to
Stephen at the end of the term he had fixed;
the three others, which belonged to the bishop
of Salisbury, having been also surrendered to
him in the same manner. Nor did the bishop
of Lincoln regain his liberty on easier terms:
for he likewise was brought before the gates
of the castles of Sleaford and Newark, and
threatened to be famished, if they were not
opened to the king without delay; which was
accordingly done, yet not without difficulty
on the part of his friends, by whom they were
garrisoned, and whose reluctance to surrender
them his prayers and tears could hardly over-
come. Stephen being thus possessed of the
fortresses he so much desired, and finding in
two of them a great treasure hoarded up by
the bishop of Salisbury, he seized that also as a
lawful prize, and applied it to his own use.
But, though his finances much wanted such a
supply, he soon had reason to repent of the
part which the impetuosity of his temper, and
the counsels of favorites, whose passions and
interests governed their opinions more than his
honor or service, had made him take. The
riot at Oxford was indeed a very high misde-
meanor, which greatly offended the royal
majesty and the peace of the realm; but it
did not appear that the two bishops, and much
less the chancellor, had any hand in it, either

as actors, or instigators; and it was very unjust to impute to them the crimes of their servants. It might perhaps have been proper to bring them to a trial, if there was any legal evidence of their being concerned in it: but, without any process, or form of law, to arrest, imprison, and treat with such cruelty, and so much indignity, men of such eminence in the church and state, principal ministers, prelates, and peers of the realm, might reasonably incense, not only the clergy, but the whole people of England, as overturning all liberty, and subverting the fundamental laws of the land. A grievous aggravation of it was the time and the place in which it was perpetrated, at a parliamentary meeting, to which they were called by summons from the king, under the immediate protection of the royal faith and the most sacred rights of the nation: there to be seized, one of them in the sanctuary of the palace itself, in the very chamber wherein the great council assembled; and then, unheard, uncondemned, to be menaced with shameful and cruel deaths, actually kept from food some days, and at last, by open violence, robbed of their property, was usage unknown before to the barons of England, even under the despotism of William the Conqueror! And what could the rest of the king's subjects expect from him, when they saw him proceed so harshly, and with so little regard to the first principles of justice and freedom, against the family and person of that very man, to whom, in some measure,

measure, he owed the crown he wore? Indeed BOOK I. this method of forcing their castles out of the hands of his barons was one of his favorite measures, which he had recourse to upon every difficulty, making no scruple to violate the safety of his court, the honor of the crown, and the liberty of the people, whenever he doubted the fidelity of a vassal, or desired to get possession of any strong place. Thus, while he suffered his laws, and the legal authority of his government, to be continually insulted, he stretched his prerogative beyond all bounds, and hurt himself equally by weak complaisance and tyrannical acts of power. Yet, so long as he continued to favour the church, he kept a strength in the clergy, which deterred the other subjects, however discontented, from revolting against him: but, by attacking their privileges, and incurring their enmity, he shook the foundations upon which he himself had fixed his throne. Their resentments on this occasion were carried so high, Malmsh. hist. nov. l. ii. f. 193, 194. that his own brother, the bishop of Winchester, thought it adviseable to take up their cause. He publicly and loudly protested against this act of the king; he frequently exhorted him to make restitution and satisfaction; which being denied, he convened a synod at Winchester, as the pope's legate, and cited Stephen himself to appear before him there, and answer for his conduct. This was such an affront to the majesty of the crown as would have roused the most abject spirit; yet, instead of resenting

BOOK I. and punishing it, Stephen allowed himself to be subject to that jurisdiction, which he ought not to have permitted his brother to exercise over the lowest peasant in his kingdom. He did not indeed appear in person; but he suffered the synod to meet, and sent some of his ministers to plead for him before them.

If the two injured bishops had complained of the king's proceedings, and demanded redress in the high court of parliament, the utmost attention ought to have been given to them: but for a subject of England, acting by an authority derived from the pope, to make himself and the clergy judges over their sovereign, in their own cause, was as great an offence against the royal dignity, as what he had done was prejudicial to the rights of the nation and the privileges of the peerage. One is no less astonished at the unexampled boldness of that prelate's presumption, than at the tameness of Stephen, in submitting so far to it, after the spirit with which he had set out in this affair. It would have cost him no more to have dissolved this legatine council, or at least to have forbidden them to meddle with any points concerning his government, than to commit the acts of violence, he had been guilty of, against the bishops of Salisbury and Lincoln. But in his whole conduct we may observe the same levity: he wanted no courage to begin the most hazardous and rash undertakings; but had not constancy enough to go thorough with them, when he was engaged.

gaged. His brother knew this, and therefore took a resolution to put himself now at the head of that party, which he foresaw would in the end be the strongest. He had also secret discontents, which impelled him to act against a court, in which he did not enjoy that unrivalled superiority of favor and power he thought he had every way a right to expect. Others were more consulted than he; an offence that he would not have pardoned, either in them or the king, though he had not had so much reason, as they really gave him, to disapprove of their measures. Upon the death of the late archbishop of Canterbury, he had asked for that see, and had met with a refusal. It is no wonder if he felt resentment at such a disappointment. After having procured the crown for Stephen, he might reasonably demand that dignity from him; and it was very imprudent in his brother to deny him the object of his ambition, at a time when he wanted his friendship, and knew that he was a man whom no tie but his interest could ever secure. That imprudence was doubled in suffering him now to exercise the legatine power in England, which had before been granted only to the archbishop of Canterbury, and which this prelate had first obtained during a vacancy in that see. It would have been, in this conjuncture, of great advantage to Stephen, if he had availed himself of the archbishop's discontent on this subject, and seemed to favor his claim to that com-

BOOK I.

mission; which, without offence to the pope, would have produced for some time an entire suspension of any legatine authority in the realm, till he could be sure that the legate would be subservient to his interests, or at least not his enemy. Thus he might with less difficulty have got rid of this council, and have kept his brother, for the future, more under controul. But he both neglected to preserve so important a friend, whose assistance would have made him master of the rest of the clergy; and to restrain his power, when he found it was become hostile to him, by proper checks: which mistake was of such consequence, that it almost cost him his crown.

A.D. 1139.

The bishop opened the council by producing his legatine commission from Rome, which appeared to have been renewed to him some months before (that is, from the time the bishop of Ostia was recalled); but he had not made use of it till this occasion. He then set forth, in the most tragical terms, his brother's offence against the church, declaring, that, rather than the episcopal dignity should be trampled upon in this manner, there was no evil, no calamity to himself, which he would not be willing to suffer. He said, he had frequently admonished the king to repent of his sin, and make satisfaction for it; and at last had prevailed upon him not to forbid the calling of this council. He therefore exhorted the archbishop of Canterbury, who was there
pre-

present, and the rest of the synod, to consult together, and determine what ought to be done; assuring them, that neither out of regard to his brother, nor from any loss of his fortune, or danger of his life, would he fail to execute what they should decree.

The earls, who were sent to the council as the king's advocates, being admitted, they asked why he was cited; to which the legate replied, that, as he was subject to the religion of Christ, he ought not to resent his being called by Christ's ministers to make satisfaction for such an enormity as had not been seen in that age; that to put bishops in prison, and strip them of their possessions, was an act only known to times of paganism; that if he would deign to take advice from him, it should be such as neither the see of Rome, nor the counsellors of the king of France, nor their own brother, the earl of Blois, who was so wise and religious, should have any cause to blame; and that nothing, at present, could be more requisite for him, than either to lay before the council his reasons for what he had done, or humbly submit himself to a canonical sentence: for he was bound to respect and favor the church, by the affection of which, and not by arms, he had been raised to the throne. The earls upon this left the council, and made their report to the king, who found himself much embarrassed what course to take. In the legatine council, which he had per-

See R. Ha-
gustal p. 337.
Gerv. Chron.
p. 1347, 1348.

BOOK I. minster, a canon was made, declaring, that whoever should *kill, imprison, or lay violent hands, upon any ecclesiastick*, if after three summons he did not make satisfaction, should incur a sentence of excommunication not to be taken off but by the pope himself, unless in an immediate danger of death; and, if he died impenitent, his body was not to be buried. Excommunication was likewise denounced against any person, who should violently usurp the goods of the church. Stephen, in these canons, to which he had given the force of laws, might read the sentence of his own condemnation. He had, moreover, by his charter granted at Oxford, put all ecclesiastical persons and goods under the sole jurisdiction and power of the bishops, which seemed to preclude him from ever trying this cause in any civil court. Being thus sadly entangled, both by the weakness of his former concessions, and by the imprudence of his late conduct, he found no better issue, than to follow his brother's advice in part, and give the council his reasons for the act he had done, though he had no grounds to believe that they would be admitted in his justification. He therefore sent back the two earls, and with them Aubrey de Vere, an eminent lawyer, who had succeeded to the bishop of Salisbury in the office of grand justiciary, upon the disgrace of that prelate. To him the king entrusted his cause; and he said for him all that such a cause would admit, charging the bishops of Salisbury and

Malmsh. hist.
nov. f. 103,
104. l. ii.

and Lincoln with sedition and treason, but upon bare presumptions or allegations without proof, of which an account has before been given. He further pretended that they had willingly surrendered their castles into the hands of the king, to avoid being prosecuted for the riot at Oxford. He spoke of the money taken from the bishop of Salisbury as a much less sum than it really was, and alledged that it lawfully belonged to the king, as having been collected in the reign of his predecessor out of the revenues and rents of the crown; affirming also that this, as well as the castles, had been voluntary yielded, by way of composition for the bishop's offence: of which, he said, the king could bring witnesses. He likewise pleaded, that Stephen had arrested that prelate, not as a bishop, but as one of his ministers, who managed his business, and received wages from him. He particularly charged the bishop of Lincoln with having excited the tumult of Oxford from an old hatred against the earl of Richmond. Finally, he demanded, in the name of the king, that the agreement made between him and the two bishops should remain good.

The bishop of Lincoln was not present in the council; but his uncle of Salisbury was, and, with a spirit unbroken by his disgrace and his sufferings, denied the facts asserted by Aubrey de Vere, demanded restitution of what he had lost, and declared, that, if justice was

BOOK I. refused to him there, he would seek it *in a higher court*, meaning that of Rome.

The legate, with an appearance of temper and coolness, said, the two bishops ought to have been first accused of the matters laid to their charge in an ecclesiastical council, and an enquiry should there have been made into the truth of those facts, instead of sentence being given and executed before condemnation. Wherefore he insisted, that, agreeably to the practice in civil courts, the king ought to restore to them all their possessions, till the cause was determined; for, before that was done, they could not, without departing from the rules of natural justice, be required to plead. It was difficult to deny the truth of this proposition; but, as the king's ministers would not agree to it, the council adjourned, at his request, till the next day, and then till a third, to wait for the arrival of the archbishop of Rouen, who, to the surprize of his brethren, undertook to defend the cause of the king. He brought the dispute to a short issue. "I will grant, said he, that the two
" bishops shall have their castles restored to
" them, if they can prove that by the canons
" they ought to have any; but, as I am cer-
" tain they cannot, I think that for them to
" desire what the canons prohibit would be
" extremely indecent; and even admitting
" that, by the indulgence and favor of the
" crown, they might be allowed to have
" castles,

“ castles, yet in time of danger they ought to BOOK I.
“ put them into the hands of the king, whose
“ duty it is to take care of the publick peace :
“ from whence it follows, that, either way,
“ their cause must be lost.”

There was more art in this argument than in all that had been used by Aubrey de Vere. What the council said to it, we are not told : but it may be observed, that it was no vindication, either of the imprisonment of the two bishops, or of the violent methods by which they had been forced to give up their castles, or of the king's taking his money, without judgment of law, from the bishop of Salisbury. The objection drawn from the canons was very embarrassing : but, however contrary it might be to them, or indecent in itself, for bishops to be builders or governors of castles, they had the king's own licence to plead for it : and though in the sense of the law all fortresses were supposed to belong to the crown, it seemed a hardship, and an injustice, to take away those which any subjects had fortified at their own charge, without very strong and apparent grounds of distrust. After the archbishop had ended his speech, Aubrey de Vere said, “ The king had been informed that the two bishops had threatened to send some of their brethren, with complaints against him, to Rome ; but that he absolutely forbade them to do it : and if any one of them should presume to go thither, against his will and the dig-

BOOK I. dignity of his realm, he would have him to know, that he should find it difficult to return." So far was well; but all the merit of that was lost by what followed. For the same minister notified to the council, that Stephen, seeing they would do him no justice, appealed against them to Rome. Such an appeal was a fatal wound to the royal authority. Indeed his whole conduct in this unhappy affair was a continued series of errors and faults. He offended the pope; he offended the English clergy, who had been his best friends, by an unseasonable attack on their privileges; and yet, in the process of that violent act, he more than ever debased his own dignity, by mean and unkingly condescensions to both. A virtuous prince would have respected those privileges which he had sworn to maintain; a prudent one would have found a more proper time for this quarrel, and less odious measure to support it; a resolute one, after having drawn the sword, would have decided by *that* a dispute of this nature, in which *that* alone could render him successful. Stephen neither preserved the affection of his clergy, nor humbled their insolence: he did enough to make them his enemies, but not enough to make them his subjects.

When the legate heard that his brother appealed to the pope, he found it necessary to break up the council. They were afraid to proceed further against that prince, after he had

had submitted his cause to Rome, especially BOOK I.
as some of his nobles and soldiers began to threaten, both by their words and their actions, to revenge any indignity offered to their sovereign. Nor was the bishop of Winchester himself unwilling to stop, having done all that he wished for his own advantage. He had eminently signalized his zeal for the church, and raised his credit with the clergy of England to the highest degree, by appearing their champion against the king, his brother. And, probably, in his heart he was not much displeased, that the bishop of Salisbury, who had once been his rival in wealth and power, should be left, for the future, in a state of humiliation. That prelate therefore and the bishop of Lincoln were obliged to remain without any satisfaction for what they had lost. But Stephen had certainly no reason to exult in what he had gained. The discontent of the clergy on that account was so great, and their complaints had such an influence on the body of the people, that, presently afterwards, the Empress Matilda, who had waited almost four years since the death of her father, without daring to venture her person in England, and whom the defeat of the Scotch, with the loss of Dover and the important towns of Shrewsbury and Hereford, had reduced, a little before, to the brink of despair, thought her party so strengthened, and conceived such hopes of a much greater defection from Stephen, as to resolve to put himself at the head

of

Malmsh. hist.
nov. l. ii. sub
ann. 1139.
Gesta Steph.
Regis, p. 946,
ad 952.
Ord. Vit.
p. 920, l. xiii.
Chron. Norm.
Huntingd. et
Gerv. Chron.
sub ann. 1139.

BOOK I.

of her friends. That she and the earl of Gloucester entirely depended upon the internal state of the kingdom, and the dispositions they expected to find in their favor, appears very plainly, from the small force they brought with them, which was no more than a hundred and forty knights. The English coasts being guarded by Stephen's fleets, particularly by that which he had drawn from Boulogne, and Matilda having none that was strong enough to fight with them, it would have been difficult to secure a great embarkation; which, undoubtedly, was the cause of their bringing so few: but with those few they could not hope to overcome the opposition they would meet with in England, if they had not counted on numbers to join them there, and on the benefit of a secret intelligence with some of the greatest about the king, especially among the spiritual lords, who did not yet openly espouse their party.

They had sent over before them Baldwin de Redvers, earl of Devonshire, whom Stephen had compelled to fly out of the kingdom, and who, having landed at Wareham with a body of horse, was received into Corfe-castle, one of the strongest in the island. Stephen immediately went and besieged him there; but he was advised by his council to desist from that enterprize, and apply all his vigilance to guard the ports at which they apprehended that Matilda and her brother would endeavour to land.

land. He did so; but his care was deceived **BOOK I.**
by an intrigue which he did not suspect.

A. D. 1139.

Adelais, the widow of King Henry the First, though she was married again to William de Albiney, earl of Arundel and of Suffex, retained such an affectionate regard to the memory of her deceased husband, that she kept up a secret friendship with his daughter Matilda, which the earl of Gloucester now thought they might avail themselves of, to draw them out of the difficulties they were under how to land with safety in England. Arundel castle was a part of her dower. Stephen had put no garrison into it, out of respect to the lady in whose right it was held; nor did he think of guarding the coast about it with an army or a fleet, as he had no suspicion of her corresponding at this time with the empress, because he lived in friendship with her husband. A secret application was therefore made to her, by the earl of Gloucester and Matilda, to receive them into that castle; which she consenting to, they came into Arundel haven, on the last day of September, in the year eleven hundred and thirty-nine. After making a very short abode in the castle, the earl, attended only by twelve of the horsemen whom he had brought over from Anjou, went from thence in a dark night, and travelled towards Bristol, by unfrequented roads, passing unknown through a country that was more than any other devoted to the king. When he was come about half of his way to that city, Brian Fitz-comte, governor,

Vid. auctores
citat. ut supra.

BOOK I. governor, or constable, of Wallingford castle, met and escorted him, during the rest of his journey, with a good body of troops. Thus he arrived safe at Bristol: but it appeared no small hazard, to which he exposed the person of Matilda, by leaving her thus shut up in Arundel castle. Yet he thought he might securely depend upon the faith of the dowager queen, and the great strength of the place, which the enemy could not take without a long siege; so that he hoped to relieve it, before his sister should suffer any extreme inconvenience, and to make himself master of all the west of England, while Stephen was employed in besieging her there. The project was that of a great man, extraordinary, but well grounded. And Matilda's courage was such, that there is reason to believe, she gave her consent to it with as much confidence as her brother advised it.

V. auctores
citar. ut supra.

Intelligence being brought to the king of her landing, he instantly quitted Marlborough, which he was besieging, and, with the best of his forces, very expeditiously came before Arundel castle, hoping to find the earl of Gloucester there with the empress. But, when he was informed that the earl was gone, he pursued him, with part of his troops, leaving a sufficient number to block up the castle, and, the pursuit being ineffectual, returned to the siege and pressed it vigorously, thinking, with good reason, that he ought to make *that* his

his principal object, his principal enemy being there enclosed. But the bishop of Winchester advised him to let her go out of the castle and join the earl of Gloucester, under a notion that he might more easily subdue them together, than while they were separate. Stephen was so weak as to follow this advice; and, having first given her hostages, as well as his oath, for her security, sent her under his own safe conduct to Bristol, escorted by his brother and the earl of Meulant, his chief minister: a thing hardly credible, if it were not attested by so many historians, that a king should convey a princess, who came to invade and claim his kingdom, out of a castle in which he held her besieged, to another part of the country, where her greatest strength and interest lay, safely and peaceably, under the guard of his own troops! It was indeed a strange effect of that infatuation, which sometimes seems to shew itself in the conduct of sovereigns, whom the Providence of God intends to chastise. For even supposing that it would have been necessary for Stephen to go, and make head in the West against the earl of Gloucester, he might have committed the siege of Arundel castle, during his absence, to William of Ipres, or at least have blocked up the place so closely, by sea and by land, as to hinder Matilda's escape, instead of sending her to head her friends, dispel the anxieties they were in for her safety, and foment the revolt.

BOOK I.

The bishop of Winchester, in giving this counsel, certainly acted perfidiously; for he was not capable of such an error in judgment. It was a publick report, that he had met the earl of Gloucester on his journey to Bristol, and held an amicable conference with him: but, I presume, he made use of other more secret means of negotiating with the empress, whom he had invited by letters to come into England, and with whom he undoubtedly had been long in connection, possibly even from the time of his first discontent against his brother. He saw that the measures the king pursued would in all probability occasion his destruction, and therefore desired to secure a support to himself, that he might not fall with him. He did it however so artfully, that Stephen was duped by it, and believed him his friend, as appears by his following his advice in this instance; which is very surprising, after the scene that had lately passed in the council of Winchester. Matilda, having been thus, by the assistance of this prelate and the folly of Stephen, delivered from her confinement in Arundel castle, found herself mistress, in a very short time, of a considerable part of the kingdom. The earl of Gloucester had so fortified the city of Bristol as to make it impregnable. He also possessed the county of Glamorgan, which came to him, by his wife; and, as his mother was daughter to Rhees ap Teudor, the last king of South-Wales, he derived from the

Vid. auctores
cit. ut suprà.

V. Malmsh.
hist. nov. l. ii.
f. 108. sect.
10.

Gest. Reg.
Steph. from
p. 947 to 952.
Malmsh. hist.
nov.
Huntingdon.
Ord. Vital.

the affection of the Welsh to her family a great **BOOK I.**
 interest there, which was still encreased by Gerv. Chron. Norm. Flor. Wigorn. contin. omnes sub ann. 1139, 1140. Gul. Neu-brig. l. i. p. 362. Chron. Sax. p. 238, 239.
 his close union with two of the most powerful lords in those parts, who were cousin-germans, and acted together in support of Matilda, namely, Brian Fitz-comte and Milo Fitz-walter. The former of these possessed the lordships of Abergavenny and Overwent, in what is now the county of Monmouth: the latter enjoyed the best part of Brecknockshire, in right of his wife; with ample possessions in two of the English counties adjoining to Wales, Herefordshire and Gloucestershire; having also the government of the royal castle of Gloucester, and being hereditary constable of England. But the power of this baron was of less use to Matilda than his personal talents. Very few men of those times were comparable to him either in counsel or action. By his activity, valour, and discretion, and by the abilities of the earl of Gloucester, who had all the great qualities that are requisite in the head of a party, and all the virtues that could be consistent with the unhappy necessities of that situation, the cause of the empress was supported: and with their help she gained strength, though unassisted by any foreign powers, and without any other means of maintaining the war, than what she drew from the war itself, or from the voluntary aid of her friends; being in such want of money, that her very household and table were now kept at Milo's expence, in the castle of Gloucester, where,

BOOK After a short abode at Bristol, she went to reside.

Stephen exerted himself with great spirit and resolution in the defence of his crown. He was continually at the head of his forces, opposing his own person to every danger, besieging castles, or marching to the relief of his friends, when any of their's were attacked. Among other exploits, he drove the bishop of Ely out of that island, where he had declared for the empress, trusting to the natural strength of the place, and the fortifications of his episcopal palace. The forcing of these was indeed an arduous enterprize: but Stephen, by a well-conducted assault, made himself master both of the island and castle; the bishop with difficulty escaping to Bristol, and leaving all his riches a prey to the conqueror. His uncle, the bishop of Salisbury, had died very miserably, a little before, of grief and anger, at the loss of his castles and treasures, which, as soon as he perceived that the council of Winchester could not oblige the king to restore them, had affected him even to a degree of frenzy: and he had the additional torment of seeing the last remainder of his wealth, which he had deposited in his cathedral at Sarum, taken from that church, while he lay on his death-bed, and delivered up to the king, by his canons themselves. Such was the end of this ambitious, crafty, ungrateful man, who, having been raised from the dust, by the extraordinary favor of King Henry, his master, to the highest fortune

fortune a subject could desire, abandoned the daughter of his deceased benefactor, and, in contempt of repeated oaths, was a principal instrument of giving the crown of England to the earl of Boulogne. But Providence punished him, even by the hands of that prince for whom he had violated so many duties; his own exorbitant riches, immoderate greatness, and insolent pride, being the apparent causes of his ruin.

Stephen, having thus replenished his empty coffers, was enabled to encrease his mercenary forces, and bribe the nobility of his party with liberal gifts, the only bonds by which he now preserved their affections. Yet many forsook him; and others remained in a state of sullen indifference, waiting the event of the war, and fortifying themselves in their own districts. Even those who still preserved their fidelity to him were hardly his subjects; and he was forced to obtain from them a mere external form of obedience, by sacrificing the dignity and power of the crown. All the inconveniences and faults of the feudal system, which had been in some measure concealed while the reins of government were in prudent and vigorous hands, now discovered themselves by endless subdivisions of opposite factions even in the same party; by continual attempts of the greater vassals to oppress the inferior, or of the inferior to shake off their subjection; and by strong combinations of criminals for

Y 2 mutual

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mutual support against any coercion or chastisement of law. Stephen had not the capacity to reduce into order all this confusion. The attempts he made to that purpose served only to perplex and embroil him the more. When he endeavoured to sooth and conciliate, he hurt his affairs by an excessive complaisance: when he meant to exert the royal authority, he ran into violence and absolute despotism. His most reasonable measures were often ill-timed; so that they either miscarried, or proved detrimental to him in their success. The clergy, who before had been his principal strength, were now his worst enemies, charging him with ingratitude, impiety, tyranny, and turning every sermon into a libel against him and his government. The bishops indeed were not yet in open rebellion against him; but they complained, they caballed, they shewed strong marks of a total alienation; so far, that in the year eleven hundred and forty, when he kept his Whitsuntide festival in the Tower of London, and held a great council there, according to ancient custom, he was not attended in it by one English prelate. Upon the death of the bishop of Salisbury, the bishop of Winchester had recommended a nephew of his own to that see: but Stephen, either suspecting his intrigues with the empress, or, at least, being afraid of encreasing his power, preferred the recommendation of the earl of Meulant. After this publick and sensible mortification, he left the court with open disgust, and came thither

V. Malmfb.
hyst. nov. l. ii.
f. 105. § 20.

Vid. auctores
cit. ut suprà.

thither no more for some time. Nevertheless, as he thought it necessary to keep up an appearance of fraternal affection, he set on foot a treaty of peace between the king and Matilda, about the beginning of summer in the year eleven hundred and forty, offering himself to be the mediator. Stephen had cause to distrust his mediation, but could not in decency reject such a proposal from the pope's legate and his own brother, especially as it was not refused by Matilda. A congress was appointed near Bath, where the plenipotentiaries on the side of Matilda were the earl of Gloucester, and other persons, whose names I do not find mentioned; on Stephen's, his queen, the archbishop of Canterbury, and the bishop of Winchester. But it was a mere shew, to impose upon the publick; the quarrel being such as could not reasonably admit of any agreement. Matilda very artfully declared herself willing to submit her pretensions to the judgment of the church, knowing that the bishops were almost all her friends; which being likewise no secret to the king, he would not consent to their partial arbitration. Thus the congress broke up, without any benefit to either party, except what the legate, in concert with the empress, expected to gain by it, the having made her more agreeable, and Stephen more odious, to the clergy of England, by the compliment she had paid to them, and he had rejected. Yet, as the nation was sinking under the miseries it bore from the war, and the bishop of Winchester's

reputation abroad, as well as at home, rendered it necessary for him to seem to desire that peace should be made; he went over to France in September, to treat of it there with his brother, the earl of Blôis, and with the French king, whose mediation as Stephen could not well refuse (that prince having lately married his sister to Eustace Stephen's son), so Matilda came into it, trusting to the intelligence she had with the bishop. About the end of November he returned into England, with a project of peace, the conditions of which are not mentioned; but they were so advantageous to the empress, that she agreed to them without any hesitation. Stephen, after some doubt, rejected them: upon which, the bishop immediately retired from court, and professed a resolution to meddle no more in publick affairs. One may conjecture that the project was, to give England to Matilda, Normandy to Stephen, and the earldoms of Mortagne and Boulogne to Prince Eustace; for in all probability no other proposal would have been at this time received by Matilda, nor could less be offered to the king. The court of France would have found their account in the separation of England from Normandy; and the bishop of Winchester might flatter himself with the hope, that he should more absolutely govern that kingdom under Matilda, than he could under Stephen, whose affection he knew he had lost. But one can hardly suppose that he had much expectation of prevailing on that prince

prince to accept of these terms. He rather proposed to gain credit with the clergy and people, as having impartially laboured for the peace of the kingdom; and to leave his brother accountable for all the calamities attending the war. These were greater than any that England has suffered, in any other period, before or after these times. The whole realm was full of castles, the lords of which having declared either for the king or the empress, or keeping themselves in a state of independence and anarchy, ravaged and plundered the country all round about them, with little distinction of friends from foes; as most of their garrisons had no means of subsistence, except from these depredations. They tore the very beds from the farmers and husbandmen; and, not being satisfied, in the houses of the rich, with unmercifully pillaging all they could find, they seized the persons of those they knew, or only suspected, to have any reserve of money or effects concealed from their search, and bearing them off compelled them to deliver it up, by all the horrid variety of exquisite torments which the most skilful cruelty could invent, such as had never been heard of before in this nation, and of which the description itself would be painful to human nature. The terror caused by these outrages was so universal, that most of the villages and farms were deserted; the lands were uncultivated; and, famine ensuing, multitudes died of hunger. Commerce and industry were extinct; the merchants

*Vid. auctores
citat. ut supra.*

were ruined ; some of them left the kingdom ; others, who before the troubles began had been possessed of great wealth, now begged their bread from door to door. The seats of the gentry were destroyed ; towns and cities were fired ; not even the convents or churches were secure from rapine and sacrilege. The great number of foreign troops, which both the contending parties now brought into England, completed its ruin. Stephen's mercenaries, hardened to every crime, inhuman, remorseless, infested and desolated all parts of the country that were subject to Matilda. On the other side, the earl of Gloucester, compelled by necessity, called in to his aid ten thousand Welsh, rapacious and bloody barbarians, whom he could not restrain by the curb of any regular discipline, to which, in their own country, they had not been accustomed. Indeed his authority was forced to give way to the licentiousness of the times ; for even the city of Bristol, his head-quarters, became, during the course of these intestine disorders, a mere strong-hold of banditti, out of which they continually made excursions to plunder the neighbouring counties, returning with numbers of miserable captives, whom they constrained to redeem themselves with all they had, and murdered many of them in tortures, to extort from them a confession of what they could raise, or force them to pay beyond their means. Thus all the enormities, that avarice, lust, and rage, unawed by government, could be guilty of, in their
utmost

utmost excesses, were committed alike by both parties: and in this manner the civil war had continued more than three years, without any great battle having been fought, or decisive advantage obtained: but the events of the year eleven hundred and forty-one were very important.

Among the English nobility none was more powerful, none of more consequence to either of the parties, than Ranulph earl of Chester. He had married a daughter of the earl of Gloucester; but, notwithstanding so intimate a bond of alliance, he had hitherto avoided to engage with Matilda, because he had received many favors from Stephen. Yet that monarch had been forced to give him some cause of discontent. The town of Carlisle and county of Cumberland had been granted to his father by William the First; but his interest in them had lately been sacrificed to the peace made with Scotland, at which he expressed much resentment. The king sought to appease him by other grants of crown lands; and he appeared to be satisfied with these compensations, till from other incidents a new quarrel arose between them. William de Raumara, half-brother of the earl, enjoyed the earldom of Lincoln as part of the inheritance of Lucia their mother, who was sister to Edwin and Morcar: but Stephen withheld from him the castle of Lincoln, and kept it in his own hands, as belonging to the crown. Nevertheless the two brothers, having got possession of it by fraud

H. Huntingd.
Gervase.
Neubrigensis,
Ord. Vit. et
Gest. Reg.
Steph. sub.
ann. 1141.
Malmsh. hist.
nov. f. 105.
106.

A. D. 1141.

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Vid. auctores
cit. ut supra.

fraud and surprize, drove out the garrison placed there by the king, who, though grievously offended, thought it necessary to seem to forgive it, and before he departed out of the county of Lincoln, into which he had marched upon the news of this event, confirmed the claim of William de Raumar, and left them both, not only assured of his pardon, but even graced with new dignities and other marks of his favor. They so much confided in these shews of reconciliation, or supposed it so dangerous for him to break with them, that they kept the castle ill-provided against a siege; which the citizens of Lincoln observing, and being no friends to either of the earls, sent information to Stephen, that he might, by a sudden attack, take the castle and the persons of the two brothers therein, without any difficulty: offering to assist him themselves in this attempt. The king, neither sufficiently weighing the consequences, nor regarding how much his honor might be hurt by such an act of hostility done against those, to whom, just before, he had given new assurances and pledges of friendship, received the proposal with joy. The greater part of his forces was then quartered at London, or in the country about that city, where he had designed to hold his court at the Christmas festival now approaching. These were presently drawn together; and his barons having been summoned to meet him at Lincoln on a day he appointed, the town was filled with his troops, and the castle invested, amidst

amidst the solemnity of the Christmas week, without regard to the religious cessation of arms usually observed at that time, and before any intelligence of his coming against them had been given to the earls. As they apprehended no danger, they had not even sent away their wives, whom they had lately brought thither, and whose presence much aggravated the distress they were in, at finding themselves now besieged by Stephen. But the earl of Chester escaped out of the castle by night, or (as some authors say) at the instant when the king was entering the town; and got safe into Cheshire, where he raised all his vassals, and even drew to his banner some of the neighbouring Welsh. Yet not thinking this army sufficient to encounter with that of Stephen, he applied to the earl of Gloucester, and, with strong protestations of future fidelity and gratitude to Matilda, implored him to join his troops to those which he had collected, and instantly march to relieve the castle of Lincoln. The earl of Gloucester, concerned for the safety of his daughter, and considering it as a point of the utmost importance to fix the two brothers in the party of the empress, determined at once to comply with this request. A good body of his forces lying at Gloucester, he marched them out of that city; and, being joined on the road by the earl of Chester and his troops, advanced towards Lincoln; but concealed his real design under other pretences, till he had led his army so far into the enemy's country, that the difficulty

Malmsh. hist.
nov. l. ii.

f. 106.

H. Huntingd.
Ord. Vital.

Gervase, et
Neubrigens.
sub ann. 1141.

BOOK I. culty of retreating made it necessary for them to seek their safety in the good success of their arms. For he doubted their readiness to engage in the enterprize, if they had been told on what service they were to go, before they set out. When they approached nigh to Lincoln, the castle was just on the point of surrendering, having with very great difficulty held out six weeks, by the valour of the garrison. As soon as ever the king had intelligence of his coming, he immediately drew his forces out of the town, and ranged them on a plain, at a little distance from it, in order of battle, being no less desirous to fight than the enemy, whom he exceeded in number (as some of the contemporary writers affirm), or at least had more knights and men at arms, in whom, at that time, the greatest strength of an army was supposed to consist. Not far from the ground where he had thus taken post, the earl was stopped in his march by the impediment of a ford, which, being flooded by a sudden rain that had fallen, was become very dangerous. Nevertheless he resolved to pass it, and executed that resolution without any loss. One author says, that Stephen detached a strong body of forces, both horse and foot, to oppose him in his passage, and that they were defeated: but, as William of Malmſbury (who would scarce have omitted a circumstance which added to the glory of the earl of Gloucester, his patron), in describing the difficulties he met with on this occasion, takes notice only

V. Gest. Reg.
Steph. p. 95².

only of the depth of the waters, it may be presumed that no opposition was made by the enemy.

The royal army was drawn up in three bodies. That where the king erected his own standard, and which he commanded in person, he made very strong; but formed it entirely of foot, having dismounted the best of his cavalry, and placed them there, in a compact battalion or phalanx, which method had been lately and successfully practised by his own generals at the battle of Cuten-moor. He was himself on foot at the head of them, having sent away his horse to some distance; as he had also sent those of all the men at arms who were in this division. The two other divisions were cavalry, which he advanced on the flanks before his foot. One of these was led by Alan earl of Dinan and of Richmond, with whom were joined the earls of Meulant, of Norfolk, of Surrey, of Pembroke, and of Northampton. The other was commanded by William of Ipres, and by the earl of Yorkshire and Albe-marle, who had under his banner some of those brave northern barons, by whose assistance he had triumphed over the Scotch. But both these bodies of horse were weak in their numbers: for the nobles, who came to serve at the siege of Lincoln castle, had brought with them few of their vassals; and Stephen, in order to strengthen his main body, or center, had very much diminished the force of his wings. When the earl of Gloucester came up, and saw the

BOOK I.

H. Huntingd.
f. 223, 224.
Chron. Norm.
p. 978.
Gervase.
Neubrigen.
et Hoveden,
sub ann. 1141.

BOOK I.

the disposition the king had made, he likewise formed his order of battle in three divisions. One was entirely composed of those barons and knights whom Stephen had deprived of their lands: a remarkable instance of the unhappy state of those times. By whom they were led; we are not told; but among them were several earls; and they made a most formidable body of cavalry, all breathing revenge, and determined either to die, or regain their possessions, that day. Another division was under the conduct of the earl of Chester, consisting of forces exercised in continual wars with the Welsh, of which part were horse, and part foot. These two bodies were placed over-against the king's cavalry, upon the flanks; and the earl of Gloucester himself commanded the center, which was opposed to the king's. We have no certain account of what troops it was formed; but it seems to have had in it both horse and foot, and to have chiefly consisted of his own vassals, with whom he had taken Nottingham a little before. I do not find that he followed the example set by the king, in ordering any of his horsemen to dismount, and fight on foot. But, besides these divisions, there was a considerable body of Welsh, which he posted at some distance upon one of his flanks, wisely avoiding to mix those irregular forces with his line of battle, for fear that they should throw it into confusion. The two armies being thus marshalled, they both were encouraged by military orations, according to the custom
that

that prevailed in those days; but the impracticability of retiring with safety was a stronger incitement to the troops of the earl of Gloucester than any harangue. Fatigued as they were with a long and toilsome march, they boldly advanced to attack the king in his post, without taking the least refreshment. The battle was begun by those he had stripped of their patrimonies. They fell with great fury upon the body of cavalry led by the earl of Richmond, and being too eager to lose time in tilting with their lances, as it was then the fashion for knights to do, threw them away, and came up to a close fight with their swords; which so daunted the enemy, that they made no resistance: many were killed, and many taken; but the greater number of them fled, and among these all the earls who belonged to that division. While this was doing, William of Ipres and the earl of Albemarle attacked and routed the Welsh: but the earl of Chester, in that instant, vigorously charging their troops, which the action with the Welsh had thrown into disorder, they were entirely defeated. Thus, both his wings being beaten and dissipated, the king was left without horse. The victorious troops did not pursue the flying squadrons, but joined the earl of Gloucester; and, having surrounded the body of infantry in the center, where Stephen was in person, attacked it on every side, with all the alacrity that a certain expectation of victory could inspire. Yet, as all those of whom it was

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BOOK I. composed were veteran foldiers, and animated by the preſence and example of their king, they did the utmoſt, that, in ſuch circumſtances, courage and diſcipline could perform, facing about every way, and maintaining the cloſeneſs of their order unbroken, though (to uſe the expreſſion of an hiſtorian who lived in thoſe times) *they were inveſted and beſieged like a caſtle*. The form of the battle now bore a great reſemblance to that of Haſtings. The king's phalanx, like that of Harold, was aſſaulted at once by horſe and foot, but remained invincible for ſome time; till the earl of Cheſter diſmounting, and commanding all his cavalry likewiſe to diſmount, broke in, by the weight and ſtrength of thoſe heavy-armed troops, and preſſed hard upon the king, who bravely defended himſelf in the miſt of his enemies, and ſtruck the earl ſuch a blow upon the creſt of his helmet, that he overthrew him to the ground deprived of his ſenſes. Nor would he, though all about him were ſlain or made priſoners, turn his back or ceaſe from fighting, till, with the number and violence of his ſtrokes, his battle-axe broke in his hands, and after that his ſword alſo: upon which William de Kahames, a knight of great ſtrength, ſeizing him by the creſt of his helmet, and more coming up to aſſiſt in taking him, he was forced to yield himſelf priſoner; but to no other than his couſin, the earl of Gloceſter, would he deign, even in that extremity, to ſurrender. Some contemporary writers

V. Huntingd.
ut ſuprà.

V. Haguſtald.
p. 224.

V. Hen. de
Huntingdon,
f. 224.
Gervafe et
Hoveden, ſub
ann. 1141.

writers add, that, before he was taken; he BOOK I.
 had been wounded in the head and knocked Malmſbury.
 down by a ſtone. Certain it is, that greater Gerſafe.

personal valour never was ſhewn in any action, than by him on that day: but as a commander he may be blameable, for not having charged the forces of the enemy while they were paſſing the ford; and for giving them time, when they had paſſed it, to form without moleſtation. He alſo ſeems to have erred in leaving the cavalry, poſted on his flanks, too weak in numbers to contend with that of the empreſs, by having diſmounted ſo many of his beſt horſemen, in order to ſtrengthen his body of infantry; not well conſidering, that the defeat of his wings would inevitably occaſion that of his center. The precedent ſet him at Cuton-moor was improperly followed; becauſe, as the Scotch had few horſemen, it might not there be ſo neceſſary to oppoſe any to them: but, as the earl of Gloceſter was ſtrong in cavalry, Stephen ſhould have kept his, which at firſt was ſuperior, equal at leaſt to the earl's; eſpecially being to engage on an open plain. It muſt however be owned, that both his wings behaved ſo ill, as to give us ſufficient reaſon to impute their defeat rather to their fear than their weakneſs. Yet they conſiſted of men renowned for courage; which made ſome of the contemporary writers ſuppoſe, that their flight was occaſioned by treaſon. But, as after this time they continued to ſerve the king faithfully, it may be better

BOOK I. accounted for by those sudden terrors which sometimes seize the best troops when they are greatly outnumbered. Certainly nothing contributed more to the gaining of the battle, than the good disposition made by the earl of Gloucester, especially in his placing of the auxiliary Welsh; and the prudent conduct of those who led his wings, in restraining their soldiers from pursuing the horse they had beaten, till they had completed the victory by the entire defeat of the enemy's foot.

A. D. 1141. Stephen was now in the custody of that earl, who treated him with the greatest humanity forbidding all persons to reproach or insult him under the change of his fortune, and paying him the respect that was due to his dignity and royal blood. He presented him first to the Empress in the city of Gloucester; and then removed him to Bristol, where he kept him in a safe but gentle confinement.

Malmsh. hist.
nov. l. 106.

H. de Huntingd. f. 225.
Gest. Reg. Steph. l. 1.
p. 953 ad 958.
Gene. Chron. subann. 1141.

This event seemed to decide the fate of the kingdom. The bishop of Winchester now resolved to throw off the mask, and declare for Matilda; but not without such conditions as he judged necessary to secure his own interest, which was indeed the sole principle that directed his conduct. That princess permitted him to make his own terms, knowing of what importance his friendship was to her at this critical time, and meaning, perhaps, to keep her faith with him afterwards no better than he himself had kept his with her and with his

his own brother. All being previously settled between them, they met in an open plain, near the city of Winchester, on the second of March, in the year eleven hundred and forty one; where, in a numerous assembly of barons, of bishops, of clergy, and people, she publicly swore to him, *that he should have the direction of all the great affairs of the kingdom, and particularly the disposal of abbeys and bishopricks, if he and the church would consent to receive her as queen, and would preserve their fidelity to her inviolate.* Her brother the earl of Gloucester, and the chief lords of her party, made themselves sureties for her, that she should perform the covenant of this oath, and took one themselves to the same purpose. The bishop, in return, received her *as queen*, and together with some of his friends, who were pledges for him, swore to be faithful to her *as long as she kept her part of the compact.*

Thus did this prelate, with the most unexampled assurance, openly stipulate, in the face of the world, the conditions of advantages and power to himself, upon which he was willing to concur in dethroning his unfortunate brother. The next day Matilda was put into possession of the royal castle at Winchester, where the scepter and crown, with all that remained of the king's treasure, were kept. She seemed much delighted to see herself mistress of the ensigns of royalty, so long usurped by another, and caused herself to be instantly proclaimed queen of England in the market-place

Gest. Steph.
Reg. p. 954
Malinib. ut
supra.

BOOK I. of the town : after which she proceeded in a solemn procession to the cathedral church ; the bishop of Winchester, as the legate of the pope, leading her by the right hand, and the bishop of St. David's as primate of Wales, by the left. She was also attended by many temporal barons, and by the bishops of Hereford, Lincoln, Ely, and Bath, with several abbots. When divine service was over, the legate, from the pulpit, cursed all her enemies, and blessed all her friends. He then by his letters invited Theobald archbishop of Canterbury, and all the other absent bishops, to come and do their homage to her at Wilton ; which place she removed to as soon as the ceremonies of her reception at Winchester were all performed : but that prelate, who owed his see to the favor of the king, and who never had taken any oaths to Matilda, had, or pretended to have, a scruple of conscience, about obeying those summons without being set free from his obligations to Stephen by the express consent of that prince himself. Whereupon he and his brethren, with some of the temporal barons, who also thought it decent to act the same part, were allowed to speak with the king ; from whom they obtained the permission which they asked, and which they were well assured he durst not deny. Matilda, having received their fealty and homage, removed from Wilton to Reading ; where several of the nobility came to attend her and make their submissions to her ; particularly Robert d'Oili,

Vid. auctores
citat. ut supra.

d'Oili, governor of the castle of Oxford, which BOOK I.
 he having consented to deliver up to her, she
 went to that city, and kept there the Easter
 festival in royal state.

Presently after that time, the bishop of
 Winchester summoned all the prelates and
 clergy of England to meet him at Winchester,
 in a council or synod assembled by virtue of
 his legatine power. The greater part of them
 came; and those who did not come sent letters
 to assign the cause of their absence. The
 legate presided, notwithstanding the presence
 of the archbishop of Canterbury; and, having
 ordered the letters to be read in the council,
 did no other business there that day, but taking
 the bishops apart conferred with them in secret,
 and then with the abbots, and lastly with the
 archdeacons. The next day he addressed him-
 self to the whole assembly, and said, that by
 the authority which he had been honored with
 from the pope, whose representative he was in
 this kingdom, he had called them together,
 to consult with them about the peace of their
 country, which was in great danger of total
 ruin. He recalled to their remembrance the
 prosperous reign of his uncle, King Henry;
 upon which he enlarged with many and high
 encomiums. Then he reminded them of the
 settlement made by that king on his daughter,
 and of the repeated oaths taken to her during
 his life, the breach of which he excused by
 the delay of Matilda, who did not immediately
 come over to England upon the death of her
 father,

^{fv. Malmsh.}
^{hist. nov. f.}
 106, 107.

BOOK I. father, and by the necessity of providing for the peace of the kingdom, on which account, he said, his brother *was permitted to reign*: But although he himself had been surety for that prince, and in the most solemn manner had pledged his faith, that he should honor and exalt the holy church, maintain good laws, and abrogate bad, he must with grief put them in mind how ill he had governed: that, in the very beginning of his reign, the peace of his kingdom had been wholly destroyed; after that time no justice done; bishops imprisoned, and violently compelled to give up their possessions; abbeyes sold; churches plundered; the counsels of wicked men heard, those of the good disregarded. “ You know (said he) “ how often, as well by myself, as by my “ brethren the bishops, I have applied to the “ king for a redress of these grievances, “ especially in the council called by me last “ year; and got nothing by it but hatred. “ Nor can any thinking man doubt, that my “ affection to my brother, how tender so ever, “ ought to give place to that which I owe to “ the service of my heavenly father. Since “ therefore Almighty God has been pleased to “ inflict such a judgement upon him, as to “ permit him to fall into the hands of his “ enemies, while I was a stranger both to his “ counsels and actions, lest the state should be “ overturned for want of a ruler, I have, by “ virtue of my legatine power, invited you all “ to this assembly. The matter was yesterday

“ considered in private by the greater part of **BOOK I.**
 “ the English clergy, to whom the privilege of
 “ electing and ordaining a sovereign more particu-
 “ larly belongs. Having therefore first invoked
 “ (as our duty requires) the assistance of God,
 “ we do elect to rule over both England and Nor-
 “ mandy Matilda the daughter of our late king, a
 “ king who loved peace, and procured it for his
 “ people ; a king, in glory, wealth, and good-
 “ ness, excelling all others who have lived in
 “ our times : and we promise to keep inviolate
 “ our fidelity to her, and to support her against
 “ all her opponents.”

Such was the speech of the bishop of Winchester on this extraordinary occasion, as delivered down to us by William of Malmſbury, ^{Malmſb. ut supra.} who says, that he was present himself in the council, and very exactly remembered the substance of every thing that passed there. The whole assembly having expressed their assent, by their acclamations, or, at least by their silence, to what that prelate had said, he added these words : “ The citizens of London,
 “ who on account of the greatness of their city
 “ are considered as nobles in England, have been
 “ summoned by our messengers, and have re-
 “ ceived a safe-conduct from us : nor do I
 “ doubt that they will be here to morrow.
 “ Let us wait for them, if you please.” The next day, certain deputies from that city arrived, and said, “ They were sent from the

BOOK I. “ *community of London, not to contend, or*
 “ *debate, but to pray in their name, that their*
 “ *lord, the king, might be set free ; which*
 “ *not only they, but likewise all those barons,*
 “ *who had long ago been admitted into their*
 “ *body, most earnestly begged of the legate*
 “ *and council.*” Whence it arose that some
barons had been incorporated into the city of
 London, will be explained hereafter. The
 legate made a copious reply to the deputies,
 repeating what he had said the day before, and
 adding, that it did not become the citizens of
 London, *who were reputed among the chief men*
of the kingdom, and as of the nobility, to take
 part with those who in battle had deserted
 their lord, to whose advice it was owing that
 he had dishonored the church, and who seemed
 to favor the Londoners for no other reason,
 but to draw as much of their money from
 them as they possibly could. Then stood up
 a priest, who was chaplain to Stephen’s queen,
 and delivered to the legate a letter from that
 princess; which having looked over, he said,
 it was not fit to be read, for that, besides
 many improper and blameable matters which
 were contained in it, one of the witnesses, who
 had set his name to it, had, in that chamber
 itself, a twelvemonth before, spoken very dis-
 respectfully of the bishops. He then returned
 it to the chaplain, who read it himself to the
 council, notwithstanding the opposition made
 by the legate ; an admirable instance of spirit
 and

and resolution, which so affected the council, that all the authority of that imperious prelate could not prevent them from hearing it with a decent attention! The substance of it was, that the queen implored the whole clergy there assembled, and more particularly the bishop of Winchester, her husband's own brother, to restore to his kingdom that monarch, their liege lord, whom wicked men, who were bound to him by homage and fealty, had thrown into prison. To this the legate replied with all the same arguments that he had used to the deputies of the city of London, who, after some consultation among themselves, declared, "they would communicate the decree of the council to their fellow-citizens, and influence them in favor of it as far as they could." The legate concluded the acts of this assembly by a general sentence of excommunication against all the adherents of the king, and particularly against William Martel, who had more than any others incurred his displeasure, by having intercepted and plundered his baggage.

Thus did a bishop of Winchester, acting as a minister of the pope, and the English clergy under him, assume a power to dispose of the kingdom of England, and of the duchy of Normandy, by what they called an *election*, without the consent, or participation, of the temporal barons or people of either country,
having

his keeping it, and to take one herself. But probably this was a fiction of the monks, who thought vows of that kind essential to *sanctity*, and did not consider that, in his case, so absurd a proceeding would have been criminal, not only to his wife, but to his people, who, by his want of posterity, were exposed to all the mischiefs of a doubtful succession, and became in the end a prey to a foreign invader. He certainly did not live so kindly with his queen, as from her amiable character he ought to have done, but seems to have transferred to her his hatred of her father; and it is hard to reconcile *that* with the piety for which he is celebrated. The strange idea of merit and holiness, attached by some in that age to a vow of chastity, made, or observed, even in the conjugal state, may possibly have arisen among the Saxons in England from the answers sent to their first teacher, Augustine, by Pope Gregory the Great, and communicated by him to his new church; for, in some of these, nuptial embraces are plainly considered as *pollutions*.

P. 3. *And even gave Edgar the title of Atheling, which belonged to the royal family, and seemed to mark him out as heir to the crown.*

Sir H. Spelman says, in his Glossary on the word Adelingus, or Atheling, *Saxonibus usurpatur pro regia sobole et regni successore*. Which he proves from a passage in the laws ascribed to Edward the Confessor: and though that collection is not genuine, yet, as it is ancient, the words of the compiler are a very sufficient proof, to shew in what sense this title was understood by the Normans to have been given to Edgar. “Rex vero Edwardus, Edgarum filium
“eorum secum retinuit et pro suo nutrit: et quia
“cogitabat heredem cum facere, nominavit Adeling.
“quem nos (puta Normanni) dicimus domicellum.

“ Sed

"Sed nos indiscretè de pluribus dicimus, quia Baronum filios vocamus domicellos; *Angli vero nullum nisi natus regum.*" Yet Spelman observes, that all noblemen had anciently been called *Adelingi*; but from the above-cited passage it appears, that in the times of Edward the Confessor, and for at least a century afterwards, this word was appropriated to the royal family by the English.

Ibid. Yet, notwithstanding this appearance of an adoption, as he was still under age when King Edward died, he was not thought capable of taking the government, &c.

The reason assigned by Ailredus, an ancient historian of no small authority, for Edgar Atheling's not being made king, is, *quia puer tanto honori minus idoneus videbatur*. Ingulphus, a contemporary writer, says, he was *Regio solio minus idoneus, tam corde quam corpore*; which words seem to suppose a double incapacity, from the meanness of his parts, as well as the weakness of his age: and indeed, if he had been a youth of forward courage and understanding, it might have been an inducement to raise him to the throne before the usual time. How old he was at the decease of King Edward, I do not find exactly set down in any ancient author, nor at what age the minority of the Anglo-Saxon princes was understood to determine: but Edgar the son of Edmond having been but sixteen years old when he came to the crown, and no historian speaking of him as being then a minor, it may be conjectured, that sixteen was the age assigned by the Saxons for the majority of their kings. And, from some passages that occur in the history of those times, we may infer pretty confidently, that Edgar Atheling was of an age approaching to manhood, though he had not yet at-

See Ailred.
de Genral.
Reg. Ang.
col. 366.
See Ingulph,
p. 68. sub ann.
1065.

See Malmsh.
de Gest. Reg.
Angl. l. ii. c. 3.
Ducelm.
sub ann. 959.

See Ord. Vit.
p. 598. l. 6.

attained to it when King Edward died. Ordericus Vitalis, the best of the Norman writers, assigns the same cause for the duke of Normandy's enterprize, as Ailredus for Harold's election. "Anno ab incarnatione Domini 1066, indictione v. Gul. dux Normannorum, deficiente stirpe regis Edgari *quæ idonea esset ad tenendum sceptrum regale*, cum multis millibus armatorum ad Anglos transfretavit."

P. 4. *The excluding of a minor from the succession in England was not new to the Saxons.*

Vit. Ælfred.
Mag. l. i. p. 9.

Sir John Spelman, who well understood the Saxon constitution, says, in his life of king Alfred, "Ut verum fatear, turbulentum reipublicæ tempus si spectes, Ælfredi tenerior ætas Æthelwolpo jam decedenti justè suggerere potuit ut omnem cognitionem regni in ipsum conferendi deponeret, cum ea sola causa sæpenumero sufficeret, ut pater fratris filium proprio, vel etiam nothum anteferreret germano."

P. 9. *But, on the death of his father in law, Alfred came over, and unhappily trusting his person to earl Godwin was delivered by him to Harold Harefoot, who put out his eyes; of which cruel treatment he died, much lamented by the English.*

V. Malmsh.
de Gest. Reg.
Ang. l. ii.
c. 12.

In relating this story, William of Malmshbury concludes with these words, *Hæc, quia fama ferit, non omisi: sed quia chronica tacent, pro solido non asserui.* The chronicles he means are supposed to be the Saxon, in which no mention is made of this fact. But yet the credit of it does not depend on tradition alone. The *Encomium Emmae*, a contemporary writing, and other manuscripts of that age, which he probably had not seen, attest the fact.

fact. But the circumstances are reported with some variations.

P. 10. *He kept up a close friendship with William duke of Normandy, and after the death of his nephew secretly promised to appoint him his successor in the kingdom of England, &c.*

There is a great difference among our historians, both ancient and modern, about the time when Edward's promise, to appoint Duke William his successor, was made to that prince. Some pretend that he gave it him so long before the end of his life, as when he was a youth at the court of Normandy. But it is very improbable that he should then bequeath a crown, which he could not possibly foresee he should ever wear. Rapin Thoyras imagines, with much more probability, that the promise was made at the time when the duke was in England: but yet that conjecture suits ill with what was afterwards done by Edward, viz. his sending for his nephew in order to nominate him heir to his crown. And Ingulphus expressly asserts, that, when the duke was in England, he had no hope of the succession, and that no mention was then made of it between him and the king. *De successione autem regni spes adhuc, aut mentio, nulla facta inter eos fuit.* What William of Malmesbury says on this subject seems to be nearest the truth, that the king had no thoughts of making the duke his successor till after the decease of his nephew, prince Edward.

Rex itaque defuncto cognato, quia spes prioris erat soluta suffragii, Willielmo comiti Normanniae successionem Angliæ dabat. And Ingulphus seems to express the same thing in these words under the year 1065.

“Anno eodem rex Edwardus senio gravatus cernens

“Clitonis Edwardi nuper defuncti filium Edgarum

“regio folio minus idoneum tam corde quam

“cor.

See Eadmer.
Hist. Nov. l. i.

p. 5.
S. Dunelm.

P. 195, 196.
Diceto Abb.
Chron. p. 431.

See Ingulph.
p. 65. sub ann.
1051.

See Malmsh.
f. 2. l. ii. de
Gest. R. A.
See Ingulph.
p. 68. sub ann.
1065.

“corpore, Godwinique comitis multam mās
 “lamque subolem quotidie super terram cref-
 “cere, *ad cognatum suum Wilbelmum animum appli-
 “cuit, et eum sibi succedere in regnum Angliæ voce
 “stabilis sancivit.*” But then he must have been
 grossly mistaken, in saying (as he afterwards does,
 with some other writers) that Edward sent Robert
 archbishop of Canterbury his ambassador to duke
 William, to inform him of his having designed him
 his successor: for that prelate was banished from
 England in the year 1052, five years before Prince
 Edward’s death. Upon the whole, though I believe
 that the duke had some intimation of such an in-
 tention or inclination of the king in his favor, yet
 the uncertainty *when, or by whom*, it was given,
 and the contradictory accounts we have of it, un-
 deniably prove, that it could not have had the au-
 thority of the great council, but was a secret trans-
 action. Indeed not one of our ancient historians is
 partial enough to the Norman government to pre-
 tend, that it was an act of the nation, as Ordericus
 Vitalis and William of Poictou affirm. Nor is it
 a credible thing that the great council of England,
 which in the year 1052 had shewn so much jealousy
 and hatred of the Normans, as to pass an act for
 banishing out of the kingdom all of that nation,
 should, without any apparent reason for the change,
 so alter their temper, as to settle their crown on a
 Norman prince. And surely, if, contrary to their
 inclinations, Edward had conceived such a purpose,
 Harold, whose interest it was to prevent it, would
 not have willingly gone upon an embassy, to ac-
 quaint the duke with it; for it would have been bet-
 ter for him, if he had not then any thoughts of the
 crown for himself, to have secured it for Edgar,
 whom he might well hope to govern, at least for sever-
 al years. William of Malmfbury only mentions the
 story

See Chron.
 Saxon, p. 164.
 sub ann. 1052.
 & p. 169. sub
 ann. 1067.

story to reject it, giving the account I have followed, as grounded on the best information. Nor is there any thing improbable in that account. But further, in relating the answer which Harold returned to William, in justification of himself for the breach of his oath, the same author writes thus, "De regno addebat præsumptuosum fuisse, quod *absque generali senatus et populi conventu et edicto* alienam illi hæreditatem juraverit. Proinde stultum sacramentum frangendum. Nam si jusjurandum, vel votum, quod puella in domo patris; nesciis parentibus, de suo corpore volens fecerit, judicatur irritum; quanto magis quod ille sub regis virgâ constitutus, *nesciente omni Angliâ*, de toto regno, necessitate temporis coactus impeg- rit, judicatur non esse ratum!" These words give us at least the opinion of the writer, that the great council had never agreed to any settlement of the crown on the duke. One argument for Harold's having been sent by Edward to notify this designation to the duke, is drawn from the tapestry at Bayeux, which Montfaucon has given a print of, with comments upon it. But the inscription over that part of it, which represents Harold taking leave of the king, is only REX—R. D. which gives no account of the commission or business on which he was going; nor is there any other more express concerning that point. Montfaucon, from the *common opinion*, or *tradition* of the place, supposes the tapestry to have been made by the order of Matilda, the wife of William the Conqueror, and therefore to be an authentic evidence of the truth of the facts therein represented. But from several reasons I should judge, that it was rather made by the order of the empress Matilda, his grand-daughter, who resided long in Normandy; and that the makers of it were not accurate with regard to the

See Malmfb.
de Gest. R. A.
l. ii. f. 52, &
de W. I.
l. iii. f. 56.

facts. For the tapestry and the inscriptions upon it suppose, that in the war William sustained, while Harold was with him, against Conan duke of Bretagne, he, or one of his generals, besieged Dinant; and that Conan delivered to him, or to that general, the keys of the town. But this siege is mentioned by no contemporary author, and contradicts the account given of that war by William of Poictou, archdeacon of Lisieux, and chaplain to William. He particularly describes the beginning of the war by the expedition of his master to the relief of Dole besieged by Conan; his obliging Conan to raise the siege, and then retiring out of Bretagne, because he would not pursue Conan, to the peril of his own army, through unknown countries, where they could find no subsistence, but returning thither again, upon hearing that Conan and Geoffry Martel were joined. He says the duke staid there to give battle to them both, but *certamen nequicquam fuit expectatum, adversario magis in ulteriora profugiente*. Then he concludes with these words, *Receptus in suo percarum hospitem Haraldum apud se post moratum aliquandiu donis onustum omisit*. It is therefore plain (if we may believe this historian, who is called by Montfaucon himself, *the most accurate of all who wrote the history of William the Bastard*) that neither before nor after the raising of the siege of Dole was any siege made in Bretagne by William, while Harold remained with him, or by any part of his army. Nor can it easily be conceived, that the taking of a town so considerable as Dinant, defended by the duke of Bretagne in person, should be past over in silence, either by this author, or any other, who wrote the history of that war.

Upon the whole, I apprehended that this boasted monument was rather formed upon vulgar tradition than history, and deserves no credit against the testimony

Vid. Pictav.
Gest. Gul.
Duc. Norm.
ap. Duchesne,
p. 191, 192.

timony of a good contemporary writer. Tapestry makers are bad historians: and it is a common fault in antiquaries to lay more stress upon any discovery of this kind than is really due to it; as Montfaucon seems to have done in the present instance.

William of Poitou pretends, that the brother and nephew of Harold had been delivered to the duke by King Edward as hostages, to secure to him the succession of England: but it appears from Eadmer, that having been given by earl Godwin to Edward, as hostages for his fidelity, after the quarrel between him and that king, they were sent over to Normandy, as a place of safe custody, and only committed to the keeping of William, as Edward's friend and ally. After the duke had concluded his bargain with Harold, he gave him back his nephew; but kept Wulnoth his brother, as a pledge for the performance of their agreement. But this surely is no proof, that Edward had sent them with any such design, nor even that Harold went to fetch them. It is indeed very improbable, that he should venture to put himself into the power of the duke on such an errand. It would have been much safer and more prudent to have negociated their redemption by another person.

See G. Pictav.
P. 191.

See Eadmer.
Hist. Nov.
P. 4.

P. 11. *And his will itself, had it been made in favor of William, without the ratification of the great council, would not have been obligatory to the people of England.*

As this has been controverted, it may be necessary to give the reader some proof of it, which I shall do by one evidence, out of many that might be alledged.

In the preamble to King Alfred's will preserved in Asser, at the end of his book *De gestis Alfredi*, that monarch styles himself thus, *Ego Ælfredus,*

A a 2

totius

See Affar de
Gest. Ælf.
p. 4.

totius West-Saxonie nobilitatis consensu pariter et assensu, rex. And yet, in the same public act, he declares, that he *inherited* the kingdom after his two brothers Æthelbald and Æthelred, *by the will of his father.* “De hæreditate, quam pater meus Æthelwulphus rex nobis tribus fratribus *delegavit, viz.* Æthelbaldo, Æthelredo, et mihi, ita quod, qui nostrum diutius foret superstes, ille totius regni dominio congauderet.” To reconcile these expressions, we must suppose that the will of his father would not have made him king without the *assent and consent of the Saxon nobles.* It will be shewn hereafter that the word *nobilitatis* is to be taken in a large sense. Affar calls King Æthelwulf’s will *hæreditariam vel commendatoriam epistolam, a testamentary, or recommendatory letter*; which expression implies that the designation there made had no force without the authority of the great council, and was considered as a mere *recommendation*, till it had a sanction from them. But the words of Alfred himself in his will are of much more weight than the expressions of any historian.

P. 12. *Though, to induce him the more to it, William promised to give him one of his daughters in marriage.*

De Will. I.
l. iii. f. 56.

Vid. Order.
Vit. l. v.
p. 573.
Duchefne.

Vid. Gem.
l. vii. c. 31.
p. 285.

William of Malmesbury supposes this lady to have died before her father invaded England; but Ordericus Vitalis says she lived till the year 1081, and that her father had betrothed her to the king of Galicia just before her death. He adds, that she had loved Harold; but was so averse to the other marriage, as to wish rather to die than to complete it. The name he gives her is Agatha; but others call her Adelize, William of Jumieges says, that Harold, after the death of Gryffyth king of Wales, married

married Aldyth, the beautiful wife of that prince, and daughter of the illustrious earl Algar. *Griffithi quoque regis Walliarum, postquam hostilis eum gladius percussit, pulchram conjugem Aldyth, præclari Comitit Algari filiam, sibi uxorem junxit.* Other writers of that age, and later historians on their authority, make also mention of this match; but they call the lady Ælgiva, or Æditha. Yet there is a passage in Ingulphus, a contemporary author, which contradicts it, and seems to deny the existence of this daughter of Earl Algar. His words are these, *Vid. Hist. Ingulphi in Gale's Edition of Rer. Angl. Script. Vit. tom. i. p. 66.*

under the year 1059, Strenuissimus etiam Comes Algarus nostri monasterii semper amantissimus, &c. obiit, et Coventriæ juxta patrem positus requiescit humatus, relictis liberis, duobus filiis, scilicet, Edwino et Morcario, postea Comitibus, et unica filia, quæ nunc superest, Comitissa Lucia.

It is plain, that *the Countess Lucia*, whom this author affirms to be *the only daughter left by Algar*, could not be Aldith, or Editha, or Ælgiva, who was married first to a king of Wales, and then to Harold, and whom other authors therefore call *Reginam Ælgivam*. We know that she was the wife of Ranulph de Meschines Earl of Chester. See Dugd. Baron. p. 36. EARL OF CHESTER. Nor is it conceivable, that, if Algar had really had another daughter so illustriously married, Ingulphus should have been ignorant of it at the time when he wrote, viz. under William the First, and William Rufus. He says himself, that Earl Algar was a particular friend to their monastery, which must have made him more knowing in what related to that lord: but this fact must have been notorious to the whole nation. It is also remarkable, that the Saxon chronicle takes no notice of this lady, *the queen of a Saxon king*; nor is she mentioned in the Welsh chronicle as wife to king Gryffyth. William of Malmesbury seems likewise to have been ignorant

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of her existence. All this makes me so doubtful about the truth of this match, that I have not mentioned her in my account of Harold; but leave the reader to judge, upon the evidence stated here, whether she ought to be added to the catalogue of our queens.

P. 12. *It is therefore most evident, that the attempt of the duke of Normandy was an unjust violation of the rights of the English; and that those writers who have asserted that his title was good, or better than Harold's, did not very accurately consider the question, &c.*

The Saxon chronicle, of which that part which relates these occurrences was written in the reign of William the First, says in the plainest terms, *that Harold was nominated by Edward the Confessor, and elected by all.* "Tunc Haroldus comes capeffit regnum, sicut rex ei concesserat, omnesque ad id eum eligebant." Florence of Worcester, another contemporary historian, and Simeon of Durham, who wrote under Henry the First, affirm the same thing. The words of the former are these: "Quo tumulto, subregulus Haraldus, Godwini ducis filius, quem rex ante suam decessionem regni successorem elegerat, à totius Angliæ primatibus ad regale culmen electus, &c." which are transcribed by Simeon of Durham; only, instead of *primatibus*, he uses *principibus*, a synonymous word. Hoveden and Diceto, who both wrote their histories in the next age, follow exactly Florence of Worcester. Eadmer, another contemporary author, writes of it thus, "In brevi post hæc obit Edwardus. Juxta quod ille ante mortem statuerat in regnum ei successit Haraldus." William of Malmesbury, though strongly inclined to favour the Norman cause (as might be expected in one who dedicated his work to a grand-son

See Chron.
Sax. p. 172.
sub ann. 1066.
& p. 189. sub
ann. 1086.
Flor. Wigorn.
J. Dunelm.
Diceto Abb.
Chron.
Hoveden sub
ann. 1065,
1066.
Eadm. Hist.
nov. p. 4. l. 1.

son of William the First) could not help owning, that, openly at least, all the English then declared in favor of Harold. "Quare, ut prædixi, Angli
 "diversis votis ferebantur, quamvis *palam cuncti*
 "bona Haroldo imprecarentur." He says indeed in
 another place, "Recenti adhuc regalis funeris luctu
 "Haroldus, ipso Theophaniæ die, *extortâ à princi-*
 "*pibus fide, arripuit diadema.*" But, if any regard
 is to be had to this passage, it only proves that Harold was too hasty in pressing on his coronation the very day that king Edward was buried, which was an objection in *form* rather than *substance*: for no historian pretends that any force was used by him; and the words beforementioned of this writer himself acknowledge, that the public acts and professions were all on his side. Nay, he makes him say, in the answer he sent to the duke, that it was an unjust demand, "ut imperio decedat *quod tanto favore*
 "*civium regendum suscepit.*" In truth it is plain from the whole account he gives, though he was obliged to throw out some expressions unfavorable to Harold, that he knew his election was valid. It must be observed, that the great council was assembled when Edward died. Florence of Worcester takes particular notice of it, in the following words: "Post hæc rex Edwardus paulatim ægrotare cœpit.
 "In nativitate vero Domini *curiam suam*, ut potuit,
 "*Londoniæ tenuit, &c.*" which Simeon of Durham, and other writers contemporary with him, confirm. And as that monarch then consecrated Westminster Abbey built by himself, a ceremony which the genius of the times and of the man made very important, we may be sure that the attendance upon such an occasion must have been greater than usual. Ailredus, abbot of Rivaux, speaks of it thus, "Ap-
 "propinquabat dies festus cæteris lætior in quo
 "Anglorum *tota nobilitas ad regis curiam debuit con-*
 "venire,"

See Malmsh.
 l. iii. f. 56. de
 W. I. & l. ii.
 52. de Gest.
 Reg. Ang.

See Flor.
 Wigorn. & J.
 Dunelm. sub
 ann. 1065.
 Malmsh. de
 G. R. A. f.
 52. l. ii.
 Sax. Chron.
 sub ann. 1066.
 Ailredus
 Abb. Riv. de
 Vit. & Mirac.
 Ed. Confess.
 p. 398, 399.
 Spelman's
 Concil. v. i.
 sub ann. 1066.
 Monas. Angl.
 See Pictav. G.
 G. D. p. 200.

“ *venire, et regi more suo ſceptris ſimul et corona*
 “ *decorando aſſiſtere. Cogitans ergo quemadmo-*
 “ *dum poſſit ipſa confeſcratio ſolempnius exhiberi,*
 “ *decrevit feſtivate peractâ regali die ſanctorum*
 “ *Innocentium celebritatem iſtam compleri.*” (And
 afterwards) “ *Illuſcebat igitur ſanctorum In-*
 “ *nocentium jucunda feſtivitas, et convenientibus in*
 “ *unum episcopis, cunctisque regni praceribus, ſacra*
 “ *dedicationis ſolempnitas inchoatur.*” Harold’s
 election might therefore be made in the great coun-
 cil, immediately after Edward was buried; and, as
 no oppoſition was given to it, would not take up
 much time; eſpecially if it was made in confirma-
 tion of Edward’s appointment, as, except William
 of Malmsbury, all the hiſtorians before-mentioned
 affirm. And it is very remarkable that their testi-
 mony is confirmed even by William of Poiſſeu,
 chaplain to the duke, and the moſt partial to him of
 all the Norman writers. In relating the meſſage,
 which Harold ſent to that prince after his landing,
 he makes the meſſenger ſay, “ *Hæc tibi mandat*
 “ *rex Haraldus. Terram ejus ingreſſus es, quâ*
 “ *fiduciâ, quâ temeritate, nescit. Meminit quidem*
 “ *quod rex Edwardus te Anglici regni hæredem*
 “ *fore pridem decreverit, et quod ipſe in Norman-*
 “ *niâ de hac ſucceſſione ſecuritatem tibi firmaverit.*
 “ *Novit autem jure ſuum eſſe regnum idem, ejusdem*
 “ *regis domini ſui dono in extremis illi conceſſum. Et-*
 “ *enim ab eo tempore, quo beatus Auguſtinus in*
 “ *hanc venit regionem, communem gentis hujusce*
 “ *ſuiſſe conſuetudinem, donationem, quam in ulti-*
 “ *mo ſine ſuo quis fecerit, eam ratam haberi.*” And
 the anſwer which the ſame hiſtorian relates, as made
 by the duke, does not contain any denial of the fact
 here alledged, but only inſiſts upon the former pro-
 miſe of Edward and Harold’s oath. Ordericus Vi-
 talis, who, though born in *England*, was bred up
 in

See Ord. Vit.
 p. 492. l. iii.
 ſub ann. 1065.

in *Normandy*, and is reckoned among the Norman historians, agrees in the nomination of Harold by Edward, but says it was obtained *by a fraud*. “ Nam
 “ regem Edwardum, qui morbo ingravescente jam
 “ morti proximus erat, circumvenit, eique transfre-
 “ tationis suæ, et profectionis in Normanniam, ac
 “ legationis seriem retulit. Deinde *fraudulentis as-*
 “ *sertionibus adjecit, quod Wilhelmus Normanniæ sibi*
 “ *filiam suam in conjugium dederit, et totius Anglici*
 “ *regni jus, utpote genero suo, concesserit.* Quod au-
 “ diens ægrotus princeps miratus est; tamen credi-
 “ dit, et concessit *quod vaser tyrannus commentatus*
 “ *est.*” I lay much more stress upon this author’s
 avowal of Harold’s *nomination by Edward on his death*
bed, than upon the cause he assigns for it, in which
 he is supported by no other historian. The only
 objection of any weight to what is affirmed so ex-
 pressly, concerning this matter, by so many good
 authors, is that which William of Malmesbury makes
 in his second book *De Gestis R. Ang. viz.* the im-
 probability that Edward should bequeath his crown
 to a man, of whose power he had always been jea-
 lous. But to this it may be replied, without having
 recourse to any such artifice as is supposed by Or-
 dericus Vitalis, that Edward, a man of easy and
 flexible dispositions, might, upon finding the tem-
 per of the nation strongly oppose his inclinations
 for William, give way to theirs in favor of Harold,
 from a laudable regard to the peace of his country.
 However, I have chosen, in my account of this mat-
 ter, to affirm nothing positively, as to the nomina-
 tion of Harold by Edward, because, even leaving
 this doubtful, his election cannot be disputed. The
 nation might chuse him, though their king did
 not; and that he was chosen by *them* is sufficiently
 proved, both by the testimony of the best contem-
 porary authors, and by all the subsequent facts
 from

from his coronation to his death. During the whole of that time, there was no appearance of any party subsisting in England, either in favor of Edgar, or of William. Not any one Englishman was confined on suspicion of treason, either when Tosti was hovering upon the coasts, or when the Norwegians, or the Normans, were landed: An undeniable evidence of Harold's belief, that the crown had been given him with the consent of the nation; for an usurper is always suspicious and apprehensive on such occasions. Nor was his confidence ill-grounded; for none of his subjects revolted against him; not even those who were of Danish extraction.

P. 19. *Thus he made up an army of fifty thousand horse, and ten thousand foot, all chosen men, &c.*

William of Poictou, speaking of the duke of Normandy's army while it was encamped on the Norman coast, says, "Convenit etiam externus miles in auxilium copiosus, quos ex parte notissima ducis liberalitas, verum omnes justæ causæ fiducia contraxit. Rapinâ omni interdictâ, stipendio ipsius millia militum quinquaginta alebantur, dum ventorum incommoditas ad portum Divæ detinebat mora menstrua." And afterwards he tells us, that the duke sent a message to Harold, in which he reckoned his army at *sixty thousand men*. "Dux contrâ nuntio: Pro mandato, inquit, quo mihi dominus tuus vult esse cautum, quanquam sine contumelia suadere docuerit, gratias ipsi et hæc refer. Non me tutarer valli aut mœnium latebris, sed configerem quamprimum cum Haraldo, nec diffiderem fortitudine meorum cum suis eum contritum iri, voluntate divina non resistente, tametsi decem sola millia virorum haberem quales *ad sexaginta millia adduxi.*" The

quin-

Vid. Gest.
Gul. Duc.
p. 197.

Ibid. p. 199.

quingenta millia militum, mentioned before, were therefore all horse; and the additional *ten thousand* here mentioned were foot. *Miles* indeed, in the writings of that age, always signified a *horseman*. And this is further explained by Ordericus Vitalis: speaking of the fleet setting sail for England, he says, that there went in it *quingenta millia militum, cum copia peditum*, per horrendum pelagus, ad expugnandam in propria sede incognitam gentem, &c. The *copia peditum* mentioned here, in addition to, and distinct from, the *quingenta millia militum*, demonstrates that *milites* signified *horse*, both in this place and the other cited above. The testimony of William of Poictou, with regard to the number of men, is of great weight, because he was himself with the army, and served the duke of Normandy as his chaplain in this expedition. And Ordericus Vitalis, though somewhat a later writer, adds more authority to the account given by him, as he appears to have informed himself of all the Norman affairs with particular care, and to have been a person of no mean understanding.

Ord. Vit.
Ecc. Hist.
l. iii. p. 500.

P. 23. *After some months, he returned, to invade his country once more, not with the duke of Normandy, but with another foreign prince, whom he accidentally met at sea, as some of the contemporary authors relate, or had solicited to this enterprize, as others affirm.*

Ordericus Vitalis tells us, that Tosti proposed to the king of Norway, that he should take for himself one half of England, and let him hold the other half under fealty and homage. “ Unde a
“ vobis, quos viribus et armis, omnique probitate
“ præcipue vigere cognosco, viriliter adjuvari, ut-
“ pote homo vester, exposco. Proterviam perfidi
“ fratris

Ibid. p. 459.

“fratris bello proterite, *medietatem Angliæ vobis retinete, aliamque mihi, qui vobis inde fideliter serviam, remittite.* His auditis, avidus rex valde gavissus est. Deinde jussit exercitum aggregari, &c.” William of Jumieges, another of the Norman historians, mentions Tosti’s going to the king of Norway, and asking his assistance: “At ille (Tosticus) non valens salubriter Angliam introire, neque Normanniam, quia ventus obstabat, redire, Heraldum Harfagam, Northwegæ regem adiit, ipsumque supplex ut se juvaret rogavit. Ipse vero precanti Tostico libenter acquievit.” By the expression of both these authors it is evident, that neither of them understood that the king of Norway and the duke of Normandy acted in any concert the one with the other, or that Tosti made proposals, or carried any message from the duke to the king, as some modern writers have supposed. Our own contemporary historians say, that he met that king accidentally at sea in his passage to England.

Eccl. p. 285.
c. 32.

Ibid. From the time that his brother had been driven out of the Humber, his fleet and army had been constantly stationed to guard that part of the island which is nearest to Normandy, from whence alone he had any apprehensions of a descent.

This is expressly affirmed by Ordericus Vitalis: “Porro Anglicus Heraldus, ut Northvigenas in Angliam advenisse audivit, Hastings et Penvesellum aliosque portus maris Neustriæ oppositos, quos toto illo anno cum multis navibus et militibus callidè servaverat, reliquit, &c.” And this account is much more probable than what Florence of Worcester and some others relate, that, after expecting the Normans till about the nativity of the Blessed

Blessed Virgin, Harold had discharged both his army and his fleet. It can hardly be conceived, that he should be so careless and so falsely secure, while the duke of Normandy lay prepared to invade him, and only waiting for a wind. Besides, if his fleet had been laid up at that time, and his army disbanded, it would not have been possible for him to have reassembled them so soon, as we find he did, against the Norwegians. That he had both in great readiness, is very apparent; for, as soon as ever he heard of the Norwegians being landed, he marched to oppose them with a great army, and destroyed their fleet, as well as their army, allowing but twenty of their ships to return, which he could not have done without the help of his own. But, while his forces were thus taken up in the north, the Normans landed on the coast of Sussex without opposition; providence so disposing events, that the Norwegian invasion facilitated their's; as Ordericus Vitalis well observes. “*Interea dum Angli bello Eboracensi occupati erant, et custodiam maris (ut diximus) nutu Dei reliquerant* Ord. Vitalis p. 500. l. iii. *classis, Normannorum, quæ spatio unius mensis, in ostio Devæ, vicinisque portibus, notum præstolata est Zephyri flatu in stationem Sancti Galerici delata est, &c. Normannicus itaque exercitus iii kal. Octobr. mare transfretravit, nocte qua memoriam Sancti Michaelis Archangeli catholica ecclesia festivè peragitur, et, nemine resistente, litus maris gaudens aripuit.*”

P. 24, and 25. *One of their soldiers is said to have maintained for some time a narrow pass on the bridge, with a valour equal to that of Horatius Cocles, till he was slain by a javelin, thrown at a distance from the hand of one of Harold's domestic attendants.*

This

This is the account given by William of Malmfbury, who adds, that the English, admiring his extraordinary valour, entreated him to yield himself and experience their clemency; which he refused with great disdain, and was then killed in the manner above-related. But H. of Huntingdon says, that one going in a boat under the bridge killed him with a javelin, through a chink, or hole in the bridge, after he had slain above forty of the English with a battle-axe, and stopped the whole army from break of day till the 9th hour. William of Malmfbury is more moderate in the account of the numbers slain by him, and his relation of the manner of his death seems the more probable.

P. 25: *But the wind at last turning fair, he sailed from St. Valery, at the mouth of the Somme, on the eve of St. Michael, in the year one thousand and sixty six, and landed the next day at Pevensey in Suffex, without any resistance.*

Malmfb. l. iii.
de Will. I.
f. 56. c. 10.

William of Malmfbury says, that the duke's army beginning to shew a superstitious discouragement at the wind's remaining so long contrary, as thinking it an indication that Heaven was averse to their enterprize, he was advised by some of his officers, to bring out the body of the tutelary saint of that town; soon after which there sprung up a very fair gale, which carried them over. In all probability, some of his pilots foresaw a change in the weather, and he wisely availed himself of the body of the saint, to make it appear to the army a miracle in his favor, which entirely removed the former impression. It is said too, that, on his landing, his foot slipped, and he fell to the ground; which might have been thought an ill omen, if it had not been turned into a good one, with extraordinary presence of mind, by one of his men at arms, who, standing
next

Malmfb. *ibid.*

next to him, cried out, "*Sir, you are now taking possession of England, of which you will shortly be king. Tenes, inquit, Angliam, comes, rex futurus.*" But what renders this story a little suspicious, is the exact conformity of the words to those of Julius Cæsar, when he stumbled and fell, at his landing in Africk, *Teneo te, Africa*. And the silence of William of Poictou makes the truth of it still more doubtful.

P. 27. *Though, at his landing, he found no forces to oppose him, he would not advance any further; but employed fifteen days, which was the greatest part of the time before Harold came up, in raising forts at Pevensey and Hastings, to cover his ships, and to secure a possibility of retiring out of England, if he should be defeated.*

This, which is grounded on the unquestionable testimony of William of Poictou, who was with the duke at his landing, and supported by the authority of Gemiticensis and Ordericus Vitalis, entirely disproves the romantic tale of his having burnt his own fleet, which, in his circumstances, would have been rather an act of madness than heroism.

P. 28. *As he marched towards Hastings, he was met by a monk, who came to propose to him, on the part of the duke, to determine their cause, either by the judgment of Rome, or by duel in sight of both armies, &c.*

In my account of this embassy, I have principally followed William of Poictou, who, having been present in the camp of the duke, and one of his own household, was therefore most likely to have been truly informed; and, as he is silent about it, I pay no regard to what William of Malmesbury relates, of the duke's proposing to Harold, *that he should*

See Pictav.

G. Gul. Duc.

p. 199.

Gemitic. l. vii.

c. 34.

Ord. Vitalis,

L. iii. p. 500.

See Malmsh.

f. 56. l. iii.

de G. I,

should hold the crown of England in fief under him. But there is one circumstance, in which I prefer the account the latter has given, as much more probable than that which we find in William of Poictou, viz. with regard to the offer of deciding their cause by the judgment of Rome, which William of Malmfbury says the duke made to Harold; whereas the words of William of Poictou seem to refer the decision of it in a judicial manner, either to the Normans, or English, or both. The Normans could never be admitted as judges; nor had their customs, or laws, any weight in this question: and as for the English, to whom the determination of it truly belonged, it is very improbable that William should make them his umpires. No judicature nor arbitration could answer his purpose, except that of Rome, which seemed unprejudiced and impartial in the eyes of the world; but which, he knew, had already, without hearing the other party, prejudged the cause in his favor.

See Pictav.
p. 200.
G. G. D.

P. 29 and 30. *Formed his whole army into one deep phalanx of heavy-armed foot.*

V. Gest. Gul.
Duc. p. 202.

That this was not a hollow square, but a dense and close body, appears from the words of William of Poictou, *Leviter sauciatis non permittit evadere; sed comprimendo necat sociorum densitas*: They stood so thick, that the wounded could not retire out of the action, but were killed by the press of their fellow-soldiers.

P. 34. *Thus ended the memorable battle of Hastings, &c.*

In the particulars of this battle, as well as in all the preceding transactions from the time that the duke of Normandy landed in England, I have been
guided

guided chiefly by William of Poictou, archdeacon of Lisieux in Normandy, who was either an eye-witness of them, or had opportunities of being very exactly informed. But there is one point in which I differ from him, viz. as to the number of the English; which, against the unanimous testimony of all the other contemporary writers, he makes very great, from a desire of doing more honor to his master: a partiality censured by William of Malmfbury, the most judicious by far of our ancient historians. His words are these: “Nec hæc
 “dicens virtuti Normannorum derogo, quibus tum
 “pro genere, tum pro beneficiis fidem habeo. Sed
 “mihi videntur errare, qui Anglorum numerum
 “accumulant, & fortitudinem extenuant. Ita Nor-
 “mannos dum laudare intendunt, infamiâ resper-
 “gunt. Insignis enim planè laus gentis invictif-
 “simæ, ut illos vicerit quos multitudo impeditos,
 “ignavia fecerit timidos! Immo vero *pauci* et manu
 “promptissimi fuere, qui charitati corporum renun-
 “tiantes pro patriâ animas posuerunt.”

See Malmfb.
 f. 63. sect. 10.
 de W. I.

Some circumstances, not mentioned by William
 of Poictou, are added by later, though ancient,
 writers. They tell us, that, when the armies were
 ready to engage, a man named *Taillefer*, advancing
 before the rest of the Normans, killed an English
 ensign, and then another, and attacking a third
 slew him also, but was slain himself in the combat.
 This story is not improbable; but, had it been true,
 it would not, I think, have been omitted by Wil-
 liam of Poictou, who was in the duke's camp, and
 has given us so full a détail of the action. Florence
 of Worcester, who also lived at that time, takes no
 notice of this warrior in describing the battle; nor
 is he mentioned by William of Malmfbury, Simeon
 of Durham, or Roger de Hoveden, Ordericus
 Vitalis, though more particular, in the accounts of

v. H. Hunt.
 Drompton.

any brave actions done by the Normans, than all the other historians who wrote in that age, is silent on this, which deserved to be celebrated by every writer. I therefore suspect the truth of it; nor do I afford much more credit to the account given in some writers of the twenty Norman knights, who bound themselves by an oath to take the English standard; because this too is a circumstance, which, had it been true, William of Poictou, and Ordericus Vitalis, in all probability, would not have omitted.

William of Malmfbury tells us, that the Normans began the battle with singing the song of Roland, that the example of that brave warrior might animate them to fight. Wace, who, in the latter years of Henry the Second, wrote an historical poem in Norman French, explains this song to have been one, which celebrated the valour of the Paladin Roland, and other Peers of Charlemagne, who fell at Roncevault. It must therefore have been sung by some of the French in the duke's army; not by the Normans, who had no connexion with those worthies. But William of Poictou, instead of a song, speaks of a very loud shout, which was raised by both armies: "*Altissimus clamor, hinc Normanicus, illinc barbaricus, armorum sonitu et gemitu morientium superatur.*" It is remarkable that in this passage the Norman writer calls the English *barbarians*.

V. Gest. Gul.
Duc. p. 202.

Malmfb.
f. 57. sect. 40.
de Will. I.

William of Malmfbury relates an act of the duke, which is not taken notice of by the abovementioned author; viz. that he noted with infamy and cashiered one of his knights, or men at arms, for having given Harold a wound in his thigh with a sword, after he was slain by the arrow which pierced his brain. This was very agreeable to the duke's magnanimity: but other authors say, that Harold was mangled and disfigured with several wounds, insomuch that by his

his face he could not have been known; and all these wounds must have been given him after he fell. It may be worth remarking here, that Shakspeare has applied what William of Malmſbury tells of this knight to Sir John Falstaff and Lord Piercy. The same historian says, that William gave the body of Harold to his mother, without taking any ransom, though she had sent to offer him a great one, and that she buried it in the church of Waltham abbey, which he had founded. This was a noble generosity in that prince. He also permitted all the bodies of the English killed in the battle to be buried by their friends.

See Picar.
p. 204.

P. 35. *How many of his navy were ships of war, we are not well informed, &c.*

An antient manuscript in the Bodleian library, which has been printed at the end of Taylor's Gavelkind, and of which the reader will see a transcript taken from the original, in the Appendix to this Volume, reckons up *a thousand ships*, which were furnished to the duke of Normandy, by his own vassals there, whose names he has given, for his enterprise against England. One of these, which was built at the charge of Matilda his wife, had in its prow the figure of a boy all carved in gold, pointing at England with his right hand, and with his left holding to his mouth an ivory horn. In this, the manuscript says, the duke sailed to England. It also mentions in general, that he was supplied with *many more ships* by other vassals, who are not named therein, each of them giving in proportion to his means, and to the utmost of his power; but it does not say, that all these were *ships of war*.

Wace, whose work has been mentioned in the preceding note, tells us, he had heard his father say, that, when the duke's fleet set sail from St. Valery, it consisted of *seven hundred ships wanting four*. He

V. Cotton.
Libr. Royal.
4. c. xi. f. 17.

mentions small vessels and transports; but whether these were included in the number abovementioned does not well appear. Nor can this *bearsay tradition* be taken for *history*. The same author adds, that he had found in a written account that the duke had *three thousand ships which carried sails* in this expedition; and says, *one may well suppose that aboard of so great a navy, there must have been a great number of men*. This agrees with the number of ships that is mentioned in William of Iumieges, a contemporary historian: His words are these, “*Classē ad tria millia navium, festinanter et bene construi jussit, et in Pontivo apud sanctum Valericum in anchoris congrue stare fecit; ingentem quoque exercitum ex Normannis & Frandrensisibus, ac Francis et Britonibus aggregavit, atque preparatam classē tam valentibus equis, quam robustissimis hominibus cum loriceis et galeis replevit.*” William of Poitou, who came over with the duke, does not give the number of the ships; but compares his fleet to that of Xerxes, and declares it exceeded that of the Greeks in their war against Troy. “*Memorat antiqua Græcia Atridem Agamemnoni fraternos thalamos ultum ivisse mille navibus; protestamur nos Gulielmum diadema regium requisisse plurius.*”

Gemitic.
Ann. Monac.
l. xli. c. 34.

P. 37. *Very soon after his victory over Harold, he besieged Dover castle, &c.*

V. Picar.
p. 204.

Before he went to this siege he left a strong garrison under a governor of great valour at Hastings, and then took a severe revenge on the citizens of Romney, who had attacked and killed, with great slaughter on both sides, some of his forces, who, by a mistake in their course, had put in there, instead of landing between Pevensey and Hastings, with the rest of the army. Dover castle was yielded to him by composition; but while the garrison were treat-

treating with him, some of the esquires of his army (*armigeri exercitus*) out of an eagerness for pillage, threw fire into the town, which almost entirely consumed it: whereupon the duke paid the full value of the houses and goods to the owners; and (as William of Poitou says) would have severely punished the offenders, if the great number and the meanness of them had not concealed them. I would observe that men of quality, who had not yet been knighted, were called *armigeri*; but these must have been of a lower order, the menial servants to the knights in the Norman army. There was good policy in both these acts of William: the first being necessary to strike a terror, and secure any of his people who might happen to stray from the body of the army; the other to give an opinion of his honor and trust regard to capitulations made with him by the English, even though not fully perfected; which would encourage others to trust to him, and surrender their places or persons in the same manner.

P. 39. *William received Edgar Atheling with the fairest appearances of regard and affection, &c.*

Some authors say, that he confirmed him in the earldom of Oxford, given to him by Edward the Confessor.

P. 40. *Before he ascended the throne he made a compact with his new subjects, by his coronation oath, the same with that of the Saxon kings.*

The contents of this oath, as we find them delivered in Florence of Worcester, Simeon of Durham, Roger de Hoveden, and the Book of Ely, are these: “Omni clero et populo jurejurando promittens se velle sanctas Dei ecclesias ac rectores illarum defendere, nec non et cunctum populum
 V. Authors citatos sub ann. 1066.
 “ sibi

V. Malmsh.
de Gestis
Pontif. Angl.
l. iii. f. 154.

See Carte's
Hist. of Eng-
land, l. v. p.
392, et seqq.

V. Duchesne
officium ad
constituendum
Normanniæ
ducem, p. 1050.
Hist. Norm.
Godefrroi ce-
remon. de
Franc.

“ sibi subiectum justè ac regali providentia regere,
“ rectam legem statuere et tenere, rapinas injusta-
“ que judicia penitus interdicere.” William of
Malmshbury says, that he swore “ Quod se modeste
“ erga subiectos ageret, et æquo jure Anglos quo
“ Francos tractaret.” Probably none of these writ-
ers set down the exact words of the oath, but only
the substance of them, as they understood it. For
I entirely agree with Mr. Carte in opinion, that the
old office used at King Ethelred’s coronation, and
after him by all our kings of the Anglo-Saxon race,
was made use of by William the First, as we know
it was by his successors, being conformable in every
point to the oath he had taken as duke of Norman-
dy, and to that of the kings of France. But it is
strange that Mr. Carte should say (as he does) that
the Saxon kings only *promised upon their word*
to keep the three articles, which the Norman prin-
ces afterwards *swore* to observe. The very office
he refers to proves incontestably that the promise
was made upon oath. The words are these, as I
find them in the Cotton library, Claudius A. 3.
“ Hæc tria populo Christiano et mihi subdito *in*
“ *Christi promitto nomine.* Imprimis, ut ecclesia
“ Dei, et omnis populus Christianus veram pacem
“ nostro arbitrio in omni tempore servet. Aliud,
“ ut rapacitates et omnes iniquitates omnibus gra-
“ dibus interdicam. Tertium, ut in omnibus ju-
“ diciis æquitatem et misericordiam præcipiam, ut
“ mihi et vobis indulgeat suam misericordiam cle-
“ mens et misericors Deus, qui vivit, &c. His
“ peractis, omnes dicant Amen.” A more solemn
oath than this can no where be found. But Mr.
Carte, it seems, was unwilling to own it, lest it should
appear that there was at all times in our govern-
ment a compact between our kings and their people.
Indeed a promise *on their words*, though without
any

any oath, would have been a compact sufficient; for the *word* of a king should be *sacred*. Yet Carte See Carte, P. 392, 393. endeavours to prove, from what he calls *the late introduction of coronation oaths into practice*, that they had nothing in them of the nature of an original contract. But what comes of his reasoning, when it is evident that such oaths were *in practice* among the Saxons, as well as among the Normans? King Ethelred's is the oldest of which any transcript has been preserved to our times; but there is no reason to think that the same form was not used by his royal predecessors.

In the same Cotton manuscript is the office used at the coronation of Henry the First, which contains the same oath, with only these words which I have marked by Italic characters added to one of the clauses, "*Imprimis me præcepturum et operam pro viribus impensarum, ut ecclesia Dei, et omnis populus Christianus, veram pacem, &c.*" An addition that makes no alteration in the sense, but expresses it somewhat more clearly.

It is observable, that Ingulphus, who lived at that time, says that William's purpose in invading Eng- V. Ingulph. P. 74. sub ann. 1066. Gloss. CONQUESTUS. land, was *pro jure suo conquirendo*. And Sir H. Spelman has shewn in his Glossary, that *conquestus* and *conquisitio* were used in that age synonymously with *acquisitio*.

P. 42. *That want was supplied by several insurrections, and conspiracies against his government, to which the nobility of England were afterwards driven by the iniquity of his ministers.*

I do not find that any of the nobles rebelled or conspired against William till the year one thousand and sixty eight: for the resistance made by Edric, surnamed *Sylvaticus*, or the Forester, against the depredations which Richard Fitz-Scrop and the Nor-

man governors of some castles in Herefordshire made on his lands, while the king was in Normandy, was no breach of his fealty. And the Kentishmen, who joined with Eustace, earl of Boulogne, in his design of seizing Dover castle, seem to have been yeomen, under no captain of any rank or distinction. Indeed it would have been strange, if the English nobility had revolted, while Edgar Atheling, Edwin, Morcar, and others of their greatest families, were in Normandy with the king, who wisely carried them over, that they might be hostages to him for the fidelity of their countrymen. And that none did revolt, while he was master of those pledges, appears from the best accounts. But the male-administration of those to whom he had left the government in his absence excited some disorders among the common people; which were immediately quieted by his return into England: and, if he had then done the complainants justice against his ministers, he would, in all probability, have prevented the insurrections that happened the next year. If we may believe a Norman writer (William of Iumieges) a conspiracy was formed, during his absence, in the year 1067, for a general massacre of all the Normans in England, except the clergy, on Ash-Wednesday, when they were attending divine service unarmed and barefoot, according to the penitential discipline in use at that time. Supposing this fact to be true, it would much excuse the hatred and distrust of the English, which afterwards appeared in the conduct of this king. But it is mentioned by no other ancient historian, English or Norman; not even by William of Poictou, inclined as he was to load the English, in order to justify his master. And what this author says himself is sufficient to disprove it: for he tells us, that, upon the discovery of the plot, and sudden return of the king,

V. Gemitic.
l. vii. c. ii.
p. 289.

king, the conspirators fled into an inaccessible part of Cumberland, and built Durham castle. But as such a conspiracy must have been general all over England, too many persons must have been concerned in it, to have escaped in such a manner; and it is false that Durham castle was built by the English, besides the blunder of supposing it to be in Cumberland. The offended monarch would, undoubtedly, at his return, have made rigorous enquiries after the accomplices in so heinous a treason; whereas it does not appear that he made any. The murder of Earl Coxo by his tenants, because he would not join with them in rebellion, is no proof of any general design of this nature; as their discontent might be local and particular. Nor do those historians who mention that fact take any notice of this. Upon the whole I think it deserves no credit.

P. 45. *The Englishman, whom William trusted and favored most, was Waltheof, eldest son to Siward Earl of Northumberland, famous for his victory over the tyrant of Scotland, Macbeth.*

This Siward was one of the most extraordinary men who lived in those times. H. of Huntingdon ^{V. Huntingd. f. 209. sect. 40.} says, he was almost a giant in stature, and had a strength of mind not inferior to that of his body. In the battle against Macbeth he lost his son; and we are told, that, when he was informed of his death, he asked the messenger, *Whether he had received the mortal wound before or behind?* Being answered, that it was before, he said; *I greatly rejoice; for I esteem no other death worthy of me, or my son.* Another writer relates, that, feeling himself ready to expire from the violence of a bloody flux, he said, ^{Brompt. Chr. p. 946.} *It was a shame for a warrior, who had ineffectually fought death in so many battles, to die now like a beast,*
and

and therefore he commanded his servants to cloath him in a compleat suit of armour, took his battle-axe in his right hand, his shield in his left, and in that martial habit and posture gave up the ghost.

This was exactly in the spirit of the ancient Goths or Celts: and one should have thought that a great kingdom, the nobility of which had these sentiments, was in no danger of being conquered, a few years afterwards, by foreign arms. The son of Siward, Earl Waltheof, did not degenerate from his father: nor was Hereward inferior to either of them in valour. But no force of magnanimity or natural courage in a nation can enable it to resist a superior discipline, and a greater skill in the art of war.

P. 46. *Yet, after having received all these obligations, the biggest that a prince could confer on a subject, he was involved in a conspiracy with Radulf de Guader, earl of Norfolk and Suffolk, and Roger earl of Hereford, who, upon some discontent against the king, of which we have not a clear account, plotted together to dethrone him, &c.*

Florence of Worcester, and Simeon of Durham, who are followed by Hoveden, and other historians, say, that Radulf de Guader was forbidden by the king to marry the sister of the earl of Hereford; which would account for the discontent of both those lords. But this is contradicted by the words of the Saxon chronicle, which say that *the king gave that lady in marriage to Radulph de Guader*. And, besides this authority of a contemporary writer, the total silence of Henry of Huntingdon, William of Malmesbury, and Ordericus Vitalis, upon this prohibition, makes it very doubtful. The words of William of Malmesbury demand some observation. “*Is, quod cognatam regis, filiam Wil-*

“*helmi*

V. Chron.
Sax. sub ann.
1075.

V. Malmesb.
de W. I. f.
59. l. iii.

“ helmi filii Osberni, desponderat, majora iusto
 “ mente metiens, tyrannidem adoriri meditabatur.”

From hence it appears, that this historian believed, that Radulph de Guader aspired to obtain the crown of England for himself, by means of his match with this lady, the daughter of William Fitzosbern, *because she was related in blood to the king*. But her brother might have better *claimed it, on that account*, than her husband. Ordericus Vitalis makes them say to Waltheoff, *Unus ex nobis sit rex, et duo sint duces, et sic nobis tribus omnes Anglici subjiciuntur honores*. These words leave it uncertain, which of the three was to have been king, if their plot had succeeded. The Saxon chronicle says, that Radulph de Guader was a Breton by his mother; but that his father was an Englishman born in Norfolk. If this be true, the English might have desired to give their crown, rather to him than to the earl of Hereford, who was the son of a minister that had been their oppressor. But all the other contemporary writers speak of him as a foreigner; and William of Poictou says, that his family was originally Norman, and calls the duke of Normandy *his relation*; but tells us that he was settled in England, near Hastings, and posselt of great riches there, when that prince first landed. “ Dives quidam finium il-

V. Ord. Vit.
 l. iv. sub ann.
 1073.

“ lorum inquilinus, natione Normannus, Robertus, Duc. p. 199.
 “ filius Guimaræ, nobilis mulieris, Hastingses duci,
 “ domino suo atque consanguineo, nuntium desti-
 “ navit,” &c. His father might be born in Eng-
 land, if his grandfather settled there soon after Edward the Confessor came to the crown. The counties of Norfolk and Suffolk, united together, and called the earldom of the East Angles, were given to him by King William.

P. 48. *Earl Coxo, an Englishman, was so faithful to William, that he was murdered by the hands of some of his own vassals, because he would not join with them against the Normans; and in the third year of that king, when the sons of Harold, with forces from Denmark and Ireland, had landed in England, they were vigorously opposed by an army of English, under the conduct of Ednoth, who had been master of the horse to their father, and who lost his life in the action.*

To these two remarkable instances may be added another. Edric the Forester, who had distinguished himself by his brave actions against the Normans, was pardoned by William, in the year 1070, and ever afterwards served him, even against his own countrymen, with unshaken fidelity.

V. Flor. Wig.
S. Dunelm.
Hoveden, sub
ann. 1070.
1072. et Ord.
Vital. sub
ann. 1069.
L. iv.

P. 56. *Nor was he satisfied with having thus confined to himself the vast tracts of forest that he found in this kingdom; but, to make a new one in Hampshire, laid waste a country of above thirty miles in extent, drove out all the inhabitants, and destroyed all their dwellings, not sparing even the churches, as much as he affected a respect for religion.*

Monsieur de Voltaire, in his *Abrégement of Universal History*, has questioned this fact; and call the doubts of a writer so ingenious as he deserve a particular attention. His words are these, speaking of William the Conqueror: “ On luy reproche
“ encore d’avoir détruit tous les villages, qui se
“ trouvoient dans un circuit de quinze lieues, pour
“ en faire une forêt, dans laquelle il pût goûter le
“ plaisir de la chasse. Une telle action est trop
“ insensée pour être vraisemblable. Les historiens
“ ne font pas attention qu’il faut au moins vingt
“ années, pour qu’un nouveau plan d’arbres de-
“ vienne

“ vienne une foret propre à la chasse. On luy fait
 “ semer cette foret en 1080, il avoit alors 63 ans.
 “ Quelle apparence y a-t-il, qu’un homme raiso-
 “ nable ait à cet age detruit des villages pour semer
 “ quinze lieues de bois dans l’esperance d’y chasser
 “ un jour ?”

The whole force of this objection consists in the improbability, that a reasonable man should have depopulated a circuit of fifteen leagues to sow or plant a forest therein, when he was so old that, according to the usual course of nature, he could not live long enough to have any hope of hunting in it after the trees were grown up, which would require twenty years at least. But how does it appear, that, in order to make the *New Forest*, it was necessary for William to *sow* or *plant* any trees?

Within the extent of the country *afforested* by him there might be many grown woods, sufficient to afford a cover for game of all kinds, but interspersed with large tracts of cultivated lands, full of towns, villages, and farms; which being destroyed, and all tillage forbidden there, these tracts would be converted into spacious open lawns, very proper for hunting. It is no wise requisite that a forest should consist of nothing but wood, or should be laid out (as some of the French forests are) in regular alleys of trees.

I will however agree with Monsieur de Voltaire, that the making the *New Forest*, even in the manner here explained, (which is infinitely less absurd than what he supposes) was an extravagant act. But very foolish things have often been done by very sensible men, especially to indulge a favorite passion, and in the wantonness of absolute power. Extraordinary facts, *well attested*, must not be denied, only because they are improbable. How many great improbabilities are there in the Life of Charles

V. Flor.
Wigorn. sub
ann. 1100.

Charles XII. king of Sweden, so excellently written by Voltaire himself! The fact in question here is strongly supported by a great number of vouchers. Florence of Worcester, a contemporary author, mentions it in these words, when he is relating the death of William Rufus: "Nec mirum (ut populi rumor affirmat) hanc proculdubio magnam Dei virtutem esse et vindictam. Antiquis enim temporibus, Eadweri scilicet regis, et aliorum Angliæ regum, prædecessorum ejus, eadem regio incolis Dei cultoribus et ecclesiis nitebat uberrimè; *sed jussu regis Gulielmi senioris, hominibus fugatis, domibus semirutis, ecclesiis destructis, terra ferarum tantum colebatur habitatione; et inde, ut creditur, causa fuit infortunii.* Nam et antea ejusdem Gulielmi junioris germanus Richardus in eadem forestâ multo ante perierat, et paulo ante suos fratruelis Ricardus, comitis scilicet Norman. Roberti filius, dum et ipse in venatu fuisset, à suo milite sagittâ percussus interiit. In loco, quo rex occubuit, præco tempore ecclesia fuerat constructa; *sed patris sui tempore* (ut prædiximus) *erat diruta."* And William of Malmesbury, speaking of the death of Richard, one of the sons of William the Conqueror, says, "Tradunt cervos in novâ forestâ terebrantem tabidi aëris nebulâ morbum incurrisse. *Locus est quem Wilbelmus pater, desertis villis, subrutis ecclesiis, per triginta, et eo amplius, milliaria, in saltus et lustra ferarum redegerat, infando prorsus spectaculo, ut ubi ante vel humana conversatio, vel divina veneratio fervebat, nunc ibi cervi et capreoli, et cætera illud genus bestiae petulantius discursitent, nec illæ quidem mortalium usibus communiter expositæ. Unde pro vero asseritur quod in eadem sylva Wilbelmus, filius ejus, et nepos Richardus, filius Roberti comitis Normannie,*

" mortem

*" mortem offenderint, severo Dei judicio ille sagitta
 " pectus, iste collum trajectus, vel (ut quidam dicunt)
 " arboris ramusculo, equo per transeunte, fauces ap-
 " pensus."*

Can it be conceived that either of these two historians, but especially William of Malmſbury, the best informed of all our antient writers, who published his history under the reign of one of the grandsons of William the Conqueror, and dedicated it to another, should have ventured to ascribe such an act to that king, unless it had been notoriously and undeniably true? And whence could arise the popular notion, taken notice of by both authors, *that the judgements of God had fallen on his family in the new forest, because of the offence he had committed in making it*, if it had not been made by him, as they have related? This is a very strong testimony of the fact; which is also delivered down to us by Henry of Huntingdon, who published his history in the reign of king Stephen. His words are these, speaking of William the Conqueror: "*Amavit autem feras, tanquam pater esset earum: unde in sylvis venationum, quæ vocantur Noveforest, ecclesias et villas eradicari, gentem extirpari, et a feris fecit inhabitari.*" Simeon of Durham, who wrote under king Henry the First, transcribes the words above-recited from Florence of Worcester concerning this matter. It is likewise confirmed by many good historians of the next age, particularly Hoveden, sub anno 1100. Brompton in fine Gul. I. and Walter Mapes, quoted by Camden in his Britannia, HAMPSHIRE. One cannot reasonably suppose, that so many writers, of the greatest authority in the times when they lived, should have published a story, the falshood of which, had it been a fiction, must have been notorious to all England; especially about a matter, in which
 no

no dispute either of religion or of party had any concern. Nor has it been ever contradicted by any one author, who lived in or near to these times.

P. 60. *The lands of the bishops and greater abbots, which had been held before in frankalmoigne, or free alms, were, by the authority of the whole legislature in the reign of this prince, declared to be baronies, and bound to the same obligations of homage and military service, as the civil tenures of the like nature, agreeably to the practice in Normandy and in France.*

That this was not an act of the king's absolute power, but done with the advice and consent of his parliament, I do not only assert upon the authority of the learned Mr. Selden, but from the charter of Henry the First, which annuls *all unjust exactions*, &c. and restores the laws of Edward the Confessor, with such emendations as his father had made *assensu baronum suorum*. But that charter did not take off the obligations imposed on the church-lands: therefore this alteration must have been one of those that were made *assensu baronum*, which words are frequently used, in the charters and writings of those days, to signify the consent of the whole parliament. It is not quite certain, whether it was made by a particular and separate act; or by that general law which subjected the other lands of the kingdom of England to the same kind of tenure: but it appears from Matthew Paris that the time when it was put in full execution was in the year 1070, the fourth of W. I. His words are these: "Episcopatus quoque
" et abbatias omnes quæ baronias tenebant, et
" eatenus ab omni servitute seculari libertatem habuerant, sub servitute statuit militari, inrotulans
" singulos episcopatus et abbatias pro voluntate sua,
" quos

“ quot milites sibi et successoribus suis, hostilitatis
 “ tempore, voluit a singulis exhiberi.” It cannot be V. M. Paris, sub ann. 1070. p. 5.
 supposed, that the Normans, and other foreigners, to whom William gave lands, ever held them any other-
 wise than under homage to him; and we are told by Matthew Paris, that in the very first year of that Ibidem, sub ann. 1067. p. 4.
 king’s reign, when, upon his return into England, he made large grants of the estates of the English to
 those who had served him at the battle of Hastings, he put the remainder *under the yoke of perpetual*
servitude. “ Sed non multo post ad Angliam rediens
 “ commilitonibus suis, qui bello Hastingenſi regi-
 “ onem secum subjugaverant, terras Anglorum et
 “ possessiones affluentiori manu contulit, illudque
 “ parum quod remanserat *sub jugo posuit perpetuæ*
 “ *servitutis.*” Now that this does not mean slavery,
 but merely the being subjected to the feudal obliga-
 tions introduced by the Normans, appears from the
 same historian: for where he says, that those obliga-
 tions were laid on the lands of the bishops and ab-
 bots, he uses the same expression, “ et rotulos hujus
 “ ecclesiasticæ *servitutis* ponens in thesauris, &c.”
 And the author of the Saxon Chronicle uses the word
servi in the same sense: for when he mentions the
 homage done to William the First, in the year 1065,
 by all the considerable landholders in England, Nor-
 mans and English, he says, “ Et omnes prædia te-
 “ nentes, quotquot essent notæ melioris per totam
 “ Angliam, hujus viri *servi* fuerunt, omnesque se
 “ illi subdidere, ejusque facti sunt vassalli, ac ei fide-
 “ litatis juramentum præstiterunt.” We may there-
 fore conclude from the abovementioned passage in
 Matthew Paris, and from the reason of things, that
 this prince delayed no longer to introduce the Nor-
 man tenures into his realm, than till the latter end
 of the first year of his reign, when he had taken such

measures for the securing of his power, as, he believed, would enable him to do it with safety. But though the law then enacted, to make this alteration, might be intended by him to comprehend the church-lands together with the others then infeoffed; yet, as the bishops and abbots might not submit to it with the same readiness as the laity, on pretence that their possessions ought to be exempted from all secular burthens and duties, it was not, perhaps, fully established till about two years afterwards, viz. in 1070, when rolls were made out, and laid up in the Exchequer, specifying the number of knights which they were required to furnish to the king, in proportion to the extent of the fiefs they possessed. Matthew Paris informs us, that many ecclesiasticks were driven out of the realm by the king for opposing this constitution. “Multos viros ecclesiasticos, huic constitutioni pessimæ reluctantes, a regno fugavit.” But though the whole kingdom was then subjected by law to the Norman feudal tenures, the general homage of all the landholders, mentioned in the Saxon Chronicle, as cited above, might not be paid till some years afterwards, when many more foreigners had been put into possession of lands in this kingdom, and the English were brought into a more absolute and more quiet state of submission to their new government.

V. M. Paris,
ut suprà, sub
ann. 1070. p. 5.

Idem ibidem.

P. 63. *Alexander the Second was glad to take this occasion of bringing that church into a state of subjection to the see of Rome, from which it had hitherto preserved itself free, beyond mere compliments and forms of respect.*

The first regular settlement of the doctrine and discipline of the English church, seems to have been

at

at the council of Hatfield, held under Theodore archbishop of Canterbury, in the year 680. That assembly declared the reception of the five first general councils, the canons of which declare, that all controversies shall be finally determined in the provinces wherein they arise; and that the authority of metropolitans in their synods shall be final and without appeal. To this doctrine it appears that the church of England adhered in all its publick acts and declarations, till it fell under the government of the Normans. The affair of Wilfrid bishop of York, contemporary with Theodore, the abovementioned archbishop of Canterbury, has been urged by some as a proof of its having been, even in those times, subjected to Rome: but upon examination I think it will appear to prove the contrary. This prelate having been deprived of his bishoprick, which after his expulsion was divided into three by Æcgfrid king of Northumberland and his council, went to *Rome*, and obtained from pope Agatho, and a synod assembled under him, an opinion, or judgement, that he ought to be restored; and that if the interests of religion required the division of his diocese, yet such bishops as he approved of should be placed in them: to enforce which, they decreed, that, if any bishop or presbyter refused obedience thereto, he should be deposed; and if any layman, he should be denied the holy sacrament. This was certainly an attempt to stretch their authority over the English church: but when Wilfrid brought these extraordinary resolutions to Æcgfrid, that prince, by the advice of his bishops and nobles, whom he had assembled to consult with them upon this matter, sent him to prison. Being delivered from that confinement he went into exile, from whence he did not return till after the death of Æcgfrid. He was then restored to his bishoprick by the inter-

V. Bede's
Eccles. Hist.
l. iv. c. 17.

See also
Inett's hist. of
the English
church, c. 8.
p. 128.

V. Eddii Vit.
Wilfrid.
Inett's hist. of
the English
church, c. 6.

Inett, c. 7.
p. 116, 117.

cessions of Theodore archbishop of Canterbury, who had before been his enemy, but was reconciled to him now, and recommended him to Alfrid, Æcgfrid's successor in that kingdom, on account of the services he had done to God and the church, during the time of his exile, by converting the Frisians and South-Saxons. Yet having, not long afterwards, quarrelled with Theodore, and offended Alfrid, he was again driven from his see, and taking shelter in Mercia, was made bishop of Leicester. There he remained till after Theodore's death: but, about the end of the seventh century, Alfrid, and Berthwald archbishop of Canterbury, together with most of the English bishops, sent for him to confer with them, and, after long and warm disputes, determined to deprive him of all he held either in Mercia or Northumberland; from which resolution, however, they so far departed, as to allow him to retain the abbey of Rippon, if he would retire thither, and never stir beyond the bounds of that monastery without leave of the king. In answer to this, besides pleading the merit of his services to the church, he reproached the king and the bishops for having preferred the constitutions made under Theodore to the judgement of the Apostolick see, *and having despised it's authority for two and twenty years together*: concluding with a threat, that he would go to Rome and vindicate his innocence *before the wise men of that church*. Whereupon the king and the archbishop declared, that *choosing rather to be judged by them than by the council, he had sufficiently merited a condemnation from the council*: and the king offered to compel him to submit to their judgement; but they, having promised that no violence should be offered to his person, dissuaded the king from this course; yet, to assert their own authority, they immediately excommunicated him, with all his adherents.

Eddii Vit.
Wilfrid, c. 45.
Inett, c. 9.
p. 133.

herents. Under this sentence he applied once more to the see of Rome; to which also the council sent an accusation against him, to justify themselves in the opinion of that see, but with no acknowledgment of any authority or jurisdiction therein above their own: for, on the contrary, the first and chief article of the charge they brought against Wilfrid, was his refusal to submit to their judgement. After long deliberations, the pope and his synod declared him innocent, received him into their communion, and sent him to England, with letters that were written rather in the style of intercessions than decrees, desiring that Berthwald archbishop of Canterbury should call a council for the rehearing the cause of Wilfrid, and determining it among themselves; but that, in case it could not be thus adjusted; the parties concerned should come to Rome; the pope assuring them, that he would call together a greater number of bishops than was present there at that time, and endeavour, with their assistance, finally to decide this affair. One of these letters being directed to Berthwald, upon the delivery of it by Wilfrid, that prelate thought it best to be reconciled to him, and promised him to *mitigate* the harsh decrees the former synods had made against him. Another letter from the pope was addressed to Ethelred, king of the Mercians, who had always been a friend to Wilfrid; but he, having retired from the throne to a monastery, could only recommend that prelate to Kenred, his cousin-german and successor; which he did with good effect. But some time afterwards Kenred having sent envoys to Alfrid, king of Northumberland, to desire his leave for Wilfrid to come and wait upon him with the letters he had brought from Rome, that prince received them graciously, and having advised with his council returned this answer: "that he had a great value for their per-

“ sons, and if they would ask him any thing for
 “ themselves he would readily gratify them; but
 “ commanded them not to solicit him any more in
 “ the affair of Wilfrid: *For (said he) what my*
 “ *predecessors, the kings of Northumberland, with the*
 “ *archbishop and their council, did formerly agree upon,*
 “ *and what myself, with an archbishop sent from*
 “ *Rome, together with the greatest part of the English*
 “ *bishops, have again determined, I will never alter*
 “ *while I live, out of regard to what you call the*
 “ *writings of the Apostolick see.”* By an archbishop
 sent from Rome, Alfrid meant Theodore, who had
 been promoted to Canterbury by the recommenda-
 tions of that see. But this king dying soon after-
 wards, Wilfrid applied to his successor Eadwolf,
 who, by the advice of his council, sent him word,
that if he did not depart out of his kingdom within
six days, he would put to death all his friends and
followers that he could lay hold of. This would
 certainly have put an end to Wilfrid’s applications,
 if that prince had lived long; but he was dethroned
 by a conspiracy in favor of Osred, the son of the
 late king, who was a child of eight years old; and
 the government falling into the hands of some
 persons who favored Wilfrid, Berthwald archbishop
 of Canterbury came into Northumberland, and held
 a council there, with the bishops, abbots, and no-
 bility of that kingdom, to whom he declared his
 reconciliation with Wilfrid, and urged in his favor
 the judgement of the pope and his council. But
 many of the bishops, and among them some who
 were afterwards sainted, asked, *Who had power to*
change those things which their predecessors, together
with Theodore, archbishop by the favor of the Aposto-
lick see, and King Æcgfrid, had long before determined;
and which had since been confirmed by king Alfrid, and
archbishop Berthwald himself, together with most of
the

the English bishops, assembled in the council of Ofterfield. This question implies the most absolute denial of the papal authority over the English church: and it does not appear, that the council were of another opinion: but Elfreda, abbess of Whitby, and sister of Alfrid, having declared to them, that her brother did, upon his death-bed, make a vow to consent to the restoration of Wilfrid, and charge his successor to perform it, this temperament was agreed to, viz. that John, then bishop of Hexham, should be removed to the see of York, which happened luckily to be vacant, and that Wilfrid should succeed to him in the bishoprick and abbey of Hexham, and enjoy together with them his abbey of Rippon. Thus ended this affair, in the whole process of which I think it appears, that the see of Rome would gladly have taken advantage of the peculiar respect and deference, which the lately-converted Saxons naturally paid, in the first heat of zeal, to that church which had sent them their first instructions, in order to establish it's supremacy and jurisdiction in England: but that this attempt was resisted; and that, in the final conclusion of the dispute about Wilfrid and the division of his see, though a weak government, under a minor king, was a circumstance of great benefit to that prelate, yet still the concessions made to him by the council, which gave him the see of Hexham and the two abbeys abovementioned, were made in such a manner, as indicated no subjection to the papal authority. And though, in later times, that authority extended itself more and more over other western churches, it did not gain any ground among the Anglo-Saxons. For it is declared by one of the canons of the council of Calcuith, held in the year 816, that it was unlawful for any bishop to meddle in the affairs of any diocese but his own, except

Inett's Hist.
p. 255. c. 16.

the archbishop alone, who was the head of the bishops in his province, and had the power of judging finally of all offences against the canons, where the offenders refused to submit to the decision of their own diocesans. And the accurate and judicious Mr. Inett, in his history of the English church, has truly observed, "That, from the first planting of Christianity amongst the English till this time, there is not so much as one canon that reserves any one case to the judgement of the bishops of Rome, or so much as takes notice of any authority they had over the English church; but, on the contrary, the constant conduct of the English bishops was such as shews, that they ever esteemed the English a free and independent church, and under no obligations to the bishops of Rome, but such as gratitude, affection, and opinion of the wisdom and holiness of those prelates, laid upon them." He also remarks very sensibly upon the synodical epistle, sent by the bishops of England to pope Leo the Third, in the year 798, "That by asserting therein (as they did very explicitly) their right to consecrate their own metropolitans, and that their going to Rome to demand their palls was a novelty and abuse, they did plainly assert their being a church free and independent on the patriarchate of Rome: the consecration, or at least the confirmation of metropolitans within their patriarchate, being ever esteemed the first and distinguishing right of every patriarch."

Ibidem, p. 232.
c. 14.

After the council of Calcuith, we find no change in the sentiments of the English with regard to the independency and liberty of their church till the coming-in of the Normans. The abovementioned author well observes, upon occasion of the new bishopricks erected about the year 909, "That
" the

Ibidem, p. 299,
300. c. 18.

“ the kings of England, with the advice of their
 “ bishops and people, founded or divided bishop-
 “ ricks as they saw cause, and without expecting
 “ any authority, or allowance, or approbation, from
 “ abroad. And the great number of ecclesiastical
 “ laws made by King Alfrid and Edward his son,
 “ as well as by their predecessors, and this too with
 “ the advice and good liking of their clergy, leave
 “ no possibility of doubting that the supremacy in
 “ ecclesiastical, as well as civil causes, was hitherto
 “ esteemed the undoubted right of the kings of
 “ England.”

I shall conclude this note with remarking the contempt of the papal power, shewn even during the reign of Edward the Confessor, by Stigand archbishop of Canterbury, who, though excommunicated by Rome, continued to discharge his metropolitan functions, against her express prohibitions, repeatedly sent to him, for nineteen years together. An instance which proves, not only his opinion of the want of authority in that see to judge or controul him, but also the opinion of the whole English church: for they would not have acknowledged his metropolitan power, nor have even continued in communion with him, if they had been directed by the judgements, or in any degree subjected to the authority, of Rome.

Ibid. The legates therefore had orders to serve him according to his wishes; and none disputing what he agreed to, they were permitted to exercise such an authority and jurisdiction in England, as never had been granted to any before, &c.

The first legates from Rome who came into this island since Austin the Monk, and the last till the reign of William the Conqueror, were the bishops

See Concil.
 Brit. p. 292.
 & Anglia sa-
 cra, pars I,
 of p. 461.

of Ostia and Todi, who, about the year 786, were sent into England by Adrian the First. The bishop of Ostia went to Offa, king of Mercia, who made great court to the see of Rome, and seems to have desired this legation for purposes of his own. The bishop of Todi repaired to a council held in Northumberland, to which he proposed and recommended some articles of doctrine and discipline, drawn up by Adrian for their use and instruction; and these, being first approved by the legislature in that kingdom, were then, by both legates, proposed to the English bishops south of the Humber, who were assembled at Calcuith upon this affair. But though they were received by both these councils, it was done in such words as import no acknowledgment of any degree of *subjection* to Rome, but merely as an *approbation of wholesome admonitions*. Whereas the councils, held under the legates sent into England during this reign, were *convened by their summons*, and *subjected to them*, who, in the name of the Pope, exercised judicature over the bishops of England, and over their primate, with a plenitude of power unknown to this country in any former times.

P. 69. *William was now grown infirm, and wished for peace in his old age: but grievous depredations having been made by the French on the borders of Normandy, and his patience insulted by words of contempt, thrown out in publick by Philip against him, his great spirit was roused, &c.*

See Malmsh.

l. iii. de W. I.
f. 63.

The words were to this effect, *that the king of England, having been lately delivered of his great belly, was now lying-in at Rouen, &c.* which indecent sarcasm was founded upon William's having gone through a course of physick there, to bring down a too corpulent habit of body, and a very prominent belly,

belly, with which he was much incommoded. This being repeated to him, he swore *by the resurrection and splendor of God, that, when he should go to mass at his churching, he would light up to Philip a hundred thousand candles*; alluding to the custom women had, in those days, of offering lighted candles when they were churching; but meaning, that he would fire some French town, to revenge the contempt thrown upon him; which menace he put in execution against the city of Mans. The jests were coarse on both sides; but, I think, they are worth repeating here.

P. 70. *His constitution enabled him to endure any hardships; and very few were equal to him in personal strength, &c.*

Of this William of Poictou has given an instance which it may not be improper to mention here. He tells us, that the duke, upon his landing in England, having been out with a small party to *reconnoitre* the country, and, as he returned, being obliged, by the difficulty of the road, which they could not pass on horseback, to march on foot; one of his attendants, William Fitzosborn, a person famous for vigour of body and mind, was so fatigued, that he was not able to carry his own shield: but the duke took it from him, and bore it, together with his own, till they came to the camp.

V. Gest. Gul.
Duc. Norm.
ap. Duchesne,
p. 199.

P. 75. *The anger of William the First against his eldest son Robert, was so confirmed by the last rebellious acts of that prince, that, although on his death-bed he gave a full and free pardon to all his other enemies, he did not extend it to him, but, punishing him as much as lay in his power, bequeathed the crown of England to William Rufus, &c.*

In-

Ingulph. hist.
p. 106. edit.
Gale.

Malmsh. de
W. I.

V. Neubrig.
l. i. c. 1.

Cr.J. Vit.
P. 514

Ingulphus, who was contemporary with William the First, writes thus of this matter: "Cum enim gloriosissimus rex Wilhelmus primus in fata cessisset, et Normanniam Roberto filio suo seniori dimisisset, ac Angliam Wilhelmo filio suo juniori *per testamentum legasset.*" This evidence is sufficient, but it is confirmed by other writers of the greatest authority. William of Malmshbury says, "Normanniam invitus et coactus Roberto, Angliam Wilhelmo *delegavit.*" Florence of Worcester, Henry of Huntingdon, Simeon of Durham, and Hoveden, express themselves in the same manner. And William of Newbury writes thus, "Gulielmus autem, postquam regnum fortiter adquisitum per annos xxi nobiliter tenuit, cum jam sub extremâ forte decumberet, tres filios *designavit hæredes.* Et quidem Robertum, primogenitum suum, quia paternæ pietati inofficiosus et rebellis existerat, ducatu contentum esse voluit: sui vero nominis filio, in quo sibi melius complacebat, *regnum Angliæ assignavit.*" Yet Ordericus Vitalis seems to deny the truth of the fact, in a speech which he supposes William the First to have made when he lay on his death-bed. The words are these, "*Neminem Anglici regni constituo hæredem; sed æterno conditori, cujus sum, et in cujus manu sunt omnia, illud commendo.*" He then puts into his mouth an ample confession of the injustice and cruelty with which he had obtained and governed the kingdom; and concludes thus, "Fasces hujus regni, quos cum tot peccatis obtinui, *nulli audeo tradere, nisi Deo soli.*" This speech is repeated, word for word, in a fragment prefixed to Walsingham's history in Camden's edition, the whole of which appears to me to be only a transcript from Ordericus Vitalis, and certainly was not written (as Camden conjectures) by William of Poictou: for that

that historian did not bring down his history so far as the death of William the First.

Some modern writers have given more weight to the passage in Ordericus Vitalis than it deserves. No other argument can be justly drawn from it, than to shew what opinion the historian himself had of the title and government of William the First. For if that king, on his death-bed, had really used such expressions, in so publick a manner, before all his barons, surely some other historian, who lived in that age, would have taken notice of it: but all the contemporary writers, English or foreign, are quite silent about it. William of Malmshury says indeed, that when the physicians, upon inspecting his urine, pronounced he would die, he made great lamentations, that a hasty death should prevent him from amending his life, as he had long intended to do. “Consulti medici inspectione urinæ certam

V. Malmsh.
de W. I.
f. 63. sect. 10.

“mortem prædixere: quo audito, querimoniâ domum replevit quod eum præoccuparet mors emendationem vitæ jamdudum meditantem.” But this is far from such an express condemnation of himself, with regard to the methods by which he had acquired and governed England, as Ordericus Vitalis has made him pronounce. I therefore think, that the whole speech (as it is set down in that author) must be considered as a mere *fiction*, alluding indeed in several parts of it to matter of fact, but never spoken by William, and rather expressing the sense of the historian than of the king. Be this as it may, it still appears, from Ordericus Vitalis himself, that notwithstanding the words here cited, that prince did bequeath his crown to William Rufus. For he not only makes him say to the barons about him, “Gulielmum, filium meum, qui mihi a primis annis semper inhæsit, et mihi pro posse suo per
“omnia

“ omnia libenter obedivit, *opto* in spiritu Dei diu
 “ valere, *et in regni folio, si Dei voluntas est, felici-*
 “ *citer fulgere;*” but he afterwards adds, “ His ita
 “ dictis, metuens rex ne in regno tam diffuso re-
 “ pentina oriretur turbatio, *epistolam de constituendo*
 “ *rege fecit Lanfranco archiepiscopo, subque sigillo*
 “ *tradidit Gulielmo Rufo filio suo,* jubens ut in An-
 “ gliam transfretaret continuo. Deinde osculatus
 “ eum benedixit, *et ad suscipiendum diadema prope-*
 “ *ranter direxit.*”

P. 211.

The very ingenious and learned author of a late *Essay towards a general history of feudal property in Great Britain* observes, “ That a notion prevailed in
 “ these times, that, when a son was provided for,
 “ or, as it is termed, both in the feudal and civil
 “ law books, *forisfamiliated*, he had scarce any
 “ right to expect any thing further from his fa-
 “ ther; a consequence of which was that the grand-
 “ son could expect still less from his grandfather.
 “ *And hence* (says he) *in the publick successions of*
 “ *England, on the death of William the Conqueror,*
 “ *William Rufus succeeded to the crown, in exclusion*
 “ *of his elder brother already provided in the dutchy of*
 “ *Normandy. On the death of Henry the First,*
 “ *Stephen took the same crown, in preference to his*
 “ *elder brother Theobald, already earl of Blois. On*
 “ *the death of Richard the First, John succeeded, to*
 “ *the exclusion of Arthur, his eldest brother's son, al-*
 “ *ready duke of Britany.*” But, in these applications
 of the abovementioned notion to *publick successions*,
 that author has certainly been mistaken. For there
 is not the least intimation in any historian who wrote
 in those times, that William Rufus was preferred
 to Robert, his eldest brother, on account of Robert's
 having obtained the dutchy of Normandy during
 the life of his father. Indeed he never obtained it,
 till after the death of that king; though, to force his
 fa-

father to give it him, he made war upon him; which, most certainly, he would not have done, if he had imagined that the consequence of his prevailing in that demand would be an exclusion of him from his succession to the kingdom of England. It appears, from the passages before-cited from William of Newbury, on what account he really was deprived of that kingdom, viz. the anger of his father against him, for his undutiful and rebellious behaviour. “*Et quidem Robertum, primogenitum suum, quia paternæ pietati inofficiosus et rebellis existerat, ducatu contentum esse voluit: sui vero nominis filio, in quo sibi melius complacuit, regnum Angliæ assignavit.*” Nor could Theobald’s being possessed of the earldom of Blois be the reason why Stephen was preferred to that prince in his claim to the crown of England; seeing that Stephen himself, at the very time of his election, enjoyed the two earldoms of Mortagne and Boulogne, and therefore was *provided for* as well as his brother. It was no objection to Henry the Second’s succession in England, that the duchy of Normandy had been made over to him during the life-time of his father and mother; or that, when he came to pursue his claim to the crown after the death of his father, he had many more very great dominions in France. Whereas, if the above-mentioned notion had prevailed in publick successions, his youngest brother would have had a better title than he. And John, his youngest son, would have succeeded to him in the kingdom of England, instead of Richard Cœur de Lion; since the latter was duke of Aquitaine before the death of his father. But we do not find any trace in history or records, that John ever thought of setting up such a claim. And it surely was not, because Prince Arthur, his nephew, *was already duke of Britany,* that

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that he succeeded to Richard; but because, the right of *representation* not having been yet sufficiently or universally fixed, either in fiefs, or in kingdoms where the feudal laws were received, his claim was thought preferable to that of his nephew, on the old principle of *nearness of the blood*, and also from the regard that was paid by the nation to Richard's *nomination of him by his last will*. The author of the abovementioned essay himself, with an ingenuity and a candor that do him much more honor, than he could receive from the discovery of any new light in a point of this nature, has allowed me to say, that he is convinced he was in an error with regard to this matter.

P. 75. *Richard, who is said to have been a young prince of great hopes, having died some years before.*

William of Malmfbury says, that he died of a distemper caught by the bad air of the New Forest in which he used to hunt. These are the words of that historian: "Richardus magnanimo parenti
"spem laudis alebat, puer delicatus, et, ut id ætæ-
"tulæ pufio, altum quid spirans. Sed tantam
"primævi floris indolem mors acerba, cito depasta
"corrupit. Tradunt cervos in Nova Foresta tere-
"brantem *tabidi aëris nebulâ mortem incurrisse.*"

After which he mentions the barbarities committed by William the First in making the New Forest, and the death of his son William Rufus, and of his grandson Richard, a natural son of Robert; one of whom was mortally wounded with an arrow in his breast, and the other in his throat; or (as some relate the story) was strangled by a bough, which twisted itself about his neck, as his horse carried him under a tree, in that Forest. But other historians tell us, that Richard, William's son, was killed there

See Malmfb.
de Will. I.
l. iii. f. 62.
sect. 30.

there by a stag, which gored him with his horns. I suppose that William of Malmesbury's account is the truest; because a desire of shewing, that the cruelty of the father, in making that Forest, was pursued, even in this world, by the particular vengeance of God on the family, as well as *the love of the marvellous*, might incline those historians to alter, or add to, the truth, with regard to the circumstances of this prince's death.

P. 80. *The silver money alone, according to the best computation I am able to make, was equivalent at the least to nine hundred thousand pounds of our money at present.*

To understand many passages which occur in this history, it will be necessary to settle, as nearly as we can, what the nominal and real value of money then was, compared with the present:

Bishop Fleetwood, who has written a book on this subject; quoting the words of an ancient historian upon the agreement made with King Henry the First by his eldest brother Robert, viz. that Robert, in lieu of his claim to the kingdom of England, should have 3000 l. *per annum in weight*, says, "that the words *in weight* are put in to signify that the money should not be clipped: for a pound by tale was at this time, and long after, most certainly a pound in weight." He also cites *Du Fresne*, to prove that the *Libra Gallica* was the same with the *Libra Anglo-Normannica*.

Another learned antiquary, Sir Robert Atkyns, says, "that in the Norman times, and ever since, a shilling was accounted twelve pence; and every penny weighing three pence, there must be the weight of three of our shillings in one shilling of the Norman computation; and consequently

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D d

"twenty

V. Chron.
Pretiosum,
c. v. p. 118.
V. Petri Bl.
fensis conti
nuat. c. iii.
p. 28.

See Atkyn
Gloucester
shire, p. 8.

History of the
Exchequer,
c. ix. p. 188.

“ twenty Norman shillings do likewise make a
“ pound weight.”

Mr. Madox, in his history of the Exchequer, cites a short treatise touching sheriffs accounts, supposed to be written by Sir M. Hale, in which are these words: “ The solutio ad pensum was the
“ payment of money into the Exchequer by full
“ weight, viz. *that a pound, or xx shillings in silver, numero, by tale, should not be received for a*
“ *pound, unless it did exactly weigh a pound weight*
“ *Troy, or twelve ounces*; and if it wanted any, that
“ then the payer should make good the weight, by
“ adding other money, although it amounted to
“ more or less than six pence in the pound (which
“ was the *solutio ad scalam*). And thus frequently
“ occurs in the Pipe-rolls, *In thesauro C. l. ad*
“ *pensum*, or full weight.” Upon this passage Mr. Madox makes these observations: “ There is frequent mention made in the most ancient Pipe-rolls of payment *ad pensum*; but not (that I know) of payment *ad scalam*. On the other part, his observation touching the payment *ad scalam*, viz. in the six pence *per* pound advance, is, I believe, just.” Which he confirms by authorities in the Exchequer, and shews it was so accounted from the reign of Henry the First, to the end of the reign of Edward the First.

See Folkes,
p. 45.

But Mr. Folkes, in his table of English coins, says, “ that king William the First introduced no
“ new weight into his mints, but that the same
“ weight, used there for some ages after, and called
“ the pound of the Tower of London, was the
“ old pound of the Saxon moneyers before the
“ Conquest. *This pound was lighter than the Troy*
“ *pound by three quarters of an ounce Troy*, and did
“ not very sensibly differ from twelve ounces of the
“ weight

" weight still used in the money affairs of Germany,
 " and there known by the name of the *Colonia*
 " weight. And whereas the present standard of
 " England, of eleven ounces two penny weight
 " fine, to eighteen penny weight of allay, is called,
 " in the oldest accounts of the mint extant, the Old
 " standard, or the standard of the Old sterlings; it
 " is most probable that these pennies were of that
 " standard, and that the pound of the Tower of
 " such standard silver was then cut into 240 of
 " these pennies. Whence the weight of the penny
 " will be found 22 Troy grains and a half; and the
 " intrinsic value of twenty shillings, or of 240
 " such pennies of full weight, was the same as the
 " value of fifty-eight shillings and one penny half-
 " penny of our present coined money."

Nevertheless, to avoid troubling the reader with
 fractions, I shall, with the above-cited authors, sup-
 pose, that from the beginning of the reign of William
 the First, till after the death of Henry the Second,
 the English pound must be understood to mean a
 pound weight of silver, containing three times the
 quantity of silver contained in our present pound
 sterling, the shilling and pennies weighing also three
 times as much as ours.

It appears from a passage in Florence of Wor-
 cester, that the common *mark* in those days was *two*
thirds of a pound of silver, that is, twice the value of
 our present pound sterling. His words are these,
 " Pacem inter fratres eâ ratione composuere, ut
 " *ter mille marcas*, id est, 2000 *libras argenti*, sin-
 " gulis annis rex persolveret comiti, &c." And
 agreeably to this Mr. Madox shews in his history of
 the Exchequer, " that nine marks of silver were
 " equivalent to six pounds in the reign of king
 " Stephen; that is, they were then, as they have
 " continued ever since, 13 s. 4 d." He also ob-

V. Flor. Wig.
 sub ann. 1123.

See Hist. of
 the Excheq.
 p. 189. c. 9.
 Magn. Rot. 5
 Stephan.

Rot. 5. 2.
Magn. Rot. 2
Hen. II. Rot.
12. b.

serves from the Pipe-rolls, that, in the same reign, nine marks of silver were accepted in payment for one mark of gold: and that, in another instance under the reign of Henry the Second, six pounds in silver were paid for one mark of gold.

V. Annal.
Pars posterior,
R. I. f. 384.
sect. 40.

The Angevin pound, of which mention is sometimes made in the history of those times, was but a fourth part of an English pound: for Hoveden says, that by an ordinance of Richard the First, while he was in Sicily, during the crusade, *one penny English was to go in all markets for four Angevin pence.*

Having thus shewn how much silver was contained in the pounds and marks of those days, I shall next endeavour to shew what proportion the value of silver then bore to the common value of it at present.

This has been estimated differently by authors who have treated the subject, some thinking that it ought to be reckoned at twenty, some at fifteen or sixteen, and some at ten times the present rate.

To form some conjecture, which of these computations is nearest the truth, or rather to shew that they are all much too high, I shall transcribe a few passages from the contemporary authors.

And first, with regard to the price of corn in those times (which is thought the best standard to judge by in determining this question), I find that, in the year 1126, the 25th of Henry the First, six shillings a quarter was thought an excessive price to be given for wheat. Henry of Huntingdon says, "Iste est annus *carissimus omnium nostri temporis*, in quo vendebatur onus equi frumentarium *sex solidis.*" And Henry of Hoveden, whose history is carried down to the year 1201, describes this with the same, and even stronger expressions: "Hoc anno (id est, 1126) *fames magna, et annona tanta*

V. H. Hunting.
Hist. l. vii. f.
219. sect. 30.
V. Hoveden,
Ann. pars pri-
or, f. 274.

fuit

“*fuit caritas, quantum nemo nostro in tempore vidit,*
 “*quando vendebatur onus equi frumentarium sex*
 “*solidos.*” By another passage in Henry of Hun-
 tington, it appears, that *onus equi frumentarium* was
 the same as *sextarius*, what we now call a quarter,
 containing eight bushels. His words are these, V. Huntingd.
l. vi. f. 209.
sect. 10.
See also Fleet-
wood's Chron.
Precios. p. 52.
57.
 “*Circa hoc tempus (Edwardi Confessoris anno*
 “*quinto) tanta fames Angliam invasit, quod sexta-*
 “*rius frumenti, qui equo uni solet esse oneri, ve-*
 “*nundaretur quinque solidis, et etiam plus.*” And
 six shillings a quarter is the highest price that I find
 to have been given for wheat, from the times of
 Edward the Confessor till after the death of Henry
 the Second. What was the common or middle
 price of wheat in those days, I find no account in
 the contemporary authors. But, from a passage in
 Matthew Paris, it appears, that in the year 1244,
 when the value of money was certainly not lower
 than it had been in the times of Henry the Second,
 two shillings a quarter was thought a low price.
 “*Transit igitur annus ille frugifer abundanter et*
 “*fructifer, ita quod summa frumenti ad precium duo-*
 “*rum solidorum descendebat.*” *Summa frumenti* is a
seam, or quarter of wheat. It must be observed,
 that, according to the same author, the preceding
 year had also been *sufficiently fruitful* in grains of
 all kinds, *frugifer satis et fructifer*. So that be-
 fore this fall in the price of corn by the produce
 of the year 1244, it could not have been very high.
 Admitting then that the silver, which was contained
 in two shillings when Matthew Paris wrote, weighed
 as much as six shillings of our present money, if we
 suppose that the value of silver was ten times as great
 (which is the lowest computation of the three above-
 mentioned), the price of wheat here set down as an
 indication of great plenty, was very little short of
 what we give now in a year of great scarcity, *viz.*
Ibidem, sub
ann. 1243.

eight shillings a bushel. But if we reduce the value of silver, in respect to commodities, to only five times the present, the price mentioned by Matthew Paris will then be under four shillings a bushel. And by the same way of computing, six shillings a quarter will be equivalent to what is now an exceeding high price, and may well be called a famine, *viz.* about eleven shillings a bushel. Nevertheless it appears that, in the year 1351, workmen were to take their wages in wheat at the rate of x d. a bushel, which is 6s. 8d. a quarter. But it must be observed, that before that time, *viz.* in the year 1346, the weight of the penny was brought down to 20 grains Troy. The encrease of our trade, and of the specie in the kingdom, under Edward the First and Edward the Third, may have also occasioned a diminution in the value of silver with respect to commodities. Whereas money or bullion must have been more scarce in England under Henry the Third, than it had been from the Conquest till the death of Henry the Second, by the great drains made from thence in the reign of Richard the First, to support his crusade, and pay his ransom: and by the vast sums that were annually sent to Rome. Nor was any alteration yet made in the weight of the coin. The common or mean rate for wheat at Windsor market, for fifty years from 1696 to 1746, was 5s. 4d. a bushel.

See Fleetwood's Chron. Precios. p. 129. Folkes on English coins, p. 11.

See Fleetwood, p. 129.

About the year 1145, the tenant of a certain place was to pay yearly twenty shillings, or seven oxen, each worth three shillings. These oxen must have been *lean*; for, when they were to be *fat*, we find it so expressed in other agreements: and I suppose they were of a moderate size. Reckoning therefore three shillings of the money in those days as equal in weight to nine of ours, and multiplying the

the latter by five, a lean ox, of a moderate size, was then rated at a price equivalent to forty-five shillings of our present money.

In the year 1185, the tenants of Shireborn were to pay either two-pence, or four hens, which they would. If therefore we compute the two-pence at six-pence, and multiply that by five, the price of these hens was equivalent to seven-pence half-penny each at this time. And a hen not fatted is commonly valued at that rate in the country, or not much above it.

By a treaty made in the year 1173, the earl of Toulouse agreed to pay to king Henry the Second, and to Richard his son, as earl of Poictou, 100 marks of silver per annum, or, in lieu thereof, ten war-horses *of price*, each of which was to be worth at least ten marks of silver. “Et præterea comes de sancto Ægidio dabit eis inde per annum 100 marcas argenti, vel 10 destrarios de pretio, ita quod unulquisque eorum valeat ad minus 10 marcas.” The mark of silver being then two-thirds of a pound, and every pound equal in weight to three of our present pounds, according to all the authorities cited above, except Mr. Folkes, if we reckon the value of silver at five times the present, the price of each of these horses will be equivalent to one hundred pounds sterling of our money now; and good war-horses may have been usually sold at that rate. William of Malmesbury says, that William Rufus bought one for fifteen marks of silver, and seems to mention it as a high price, “Deturbatus equo, quem eo die quindecim marcis argenti emerat.” Yet in the year 1207, one Amph. Till, a foreign baron, imprisoned here by king John, was to pay, in part of his ransom, ten horses, worth thirty marks each, or, in lieu of each horse, thirty marks; an incredible price, if we compute the value of money

V. Benedikt.
Abb. sub ann.
1173.

V. Malmsh.
lib. iv. de
W. II. f. 68.
sect. 20.

much higher than the rate at which I have put it. Indeed this Amph. Till must have been a man of great note; for his ransom was fixed at no less than ten thousand marks; but some of his knights, or men at arms, who were prisoners with him, were to be likewise set free on payment thereof. See the Record in Rymer's *Fœdéra*, tom. i. p. 446, 447. sub ann. 1207.

Benedict. Abb.
sub ann. 1177.

Benedict, Abbot of Peterborough, relates, that, in the year 1177, the Abbess of Amesbury, being convicted of having three children after she had taken the habit, was degraded and turned out of the convent; but that the king, *to save her from perishing by hunger and want*, promised to give her *ten marks a year*. "*Et ne prædicta Abbatissa de gradata fame et inopia periret, rex spopondit ei se daturum illi singulis annis decem marcas argenti; et permisit eam abire quo vellet.*" Computing therefore the value of this sum as before, her pension was equivalent to one of a hundred pounds sterling in the present times; an income very sufficient to maintain her with decency in a retired way of living, such as was proper for a woman in her situation.

V. Ord. Vital.
x. p. 786.
sub ann. 1101.

Ralph Flambard bishop of Durham, having been imprisoned by the orders of Henry the First, in the Tower of London, was allowed by that king, for the expence of his table there, two shillings a day: *Quotidie ad victum suum duos sterilensium solidos jussu regis habebat*. But there being the weight of three of our present shillings in one Norman shilling, this allowance amounts to six of our shillings a day: and then, if we estimate the value of silver at five times more than the present, this sum will be equivalent to thirty shillings a day, allowed in these times; a very sufficient provision for the table of a state prisoner, even of the highest rank.

The

The scutage levied in England by Henry the Second, for the war of Toulouse, was 180000 l. (as we are informed by Gervase of Canterbury, a contemporary historian :) "Hoc anno (1159) rex "Henricus scutagium de Anglia accepit, cujus "summa fuit centum millia, et quater viginti millia "librarum argenti." If therefore each of these pounds weighed three of ours, as Sir Robert Atkyns and others suppose, this sum will amount to five hundred and forty thousand pounds of our money at present; as much as one can imagine to have been raised by a composition, paid only by those of the military tenants who did not personally attend the king to Toulouse: our present land-tax, at four shillings in the pound upon the whole kingdom, producing under two millions, and the before-mentioned sum being equivalent to two millions seven hundred thousand pounds, if we compute the value of silver at five times more than the present.

Gerv. Chron.
sub ann. 1159.

I have observed before, that, in the reign of Henry the Third, the value of silver was probably greater, from there being less of it in England than in the times of which I write. Salisbury cathedral in that reign is said to have cost 42000 marks. These Mr. Folkes, in his Table of the standard of our silver money, computes to have contained as much silver as 81368 l. of our present money; which computation is somewhat lower than that I have followed. But, admitting it to be right, this sum multiplied, as the other sums abovementioned, only by five, will make the expence of this building equivalent to 406840 l. laid out in these days.

The portion bequeathed to Earl John, by king Henry the Second, was some lands in England, which produced four thousand pounds per annum, and the earl-

V. Benedict.
Abb. sub ann.
1189.

earldom of Mortagne, with all its appurtenances. Four thousand pounds containing then the same weight of silver as twelve thousand now, the lands in England were worth to him, by the above computation, as much as an estate of sixty thousand pounds a year would be in these days. The earldom of Mortagne must likewise have produced a considerable revenue. For it appears, by one of Becket's letters, that Henry the Second agreed, by treaty, to pay the earl of Boulogne an annual pension of 1000 l. sterling, in lieu of his claim to that earldom, and to some lesser fiefs, which had been granted to the house of Boulogne in this island.

Upon the whole, it appears from the several passages above-cited, and from others which I have observed in history or records, that, from the death of Edward the Confessor to that of Henry the Second, the ordinary value of silver, compared with the present, could not be much above or below this computation.

As to the weight of silver in the old money pound, if any of my readers shall think it worth while to reduce the calculations according to the proportion Mr. Folkes has laid down, it may be easily done; and, by putting the value of silver somewhat higher, the amount will, upon the whole, be nearly the same.

It must be observed, that, before the 18th year of Edward the Third, it does not appear that ever any gold was coined in England (except perhaps a few pieces in the kingdom of Northumberland, by the Saxons), or any silver, but pennies, half-pence, and farthings; all the other denominations being only imaginary, as a pound sterling is now. We find indeed, that gold and silver *Bisants* were sometimes received in payments here; but these were a foreign coin, and brought from the East, where they

V. Epist. S.
Tho. 44. l. i.

See Folkes of
English gold
coins, p. 1.
Idem, of
English silver
coins, p. 11.

V. Maclox,
Hist of the
Exchequer,
p. 189. c. 9.
See Pegge's
Dissertat.

they seem to have been as common as *Sequins* are now. Frequent mention is made of them by all the historians of the Crusades; but they are rarely spoken of by ours. Neither are they named in Domesday-book, nor in the publick Acts of Henry the First or Stephen, nor in the last will of king Henry the Second. But some mention is made of them in private deeds and leases, and also in the Exchequer Rolls under Henry the Second. The silver Bisant, in the twelfth century, was rated at two shillings English; but the value of the gold one, at that time, is doubtful.

Kennet's Pa-
roch. Antiq.
p. 109.
Dugdale's
Warwicksh.
p. 421.

Ibid. His being master of this, and the respect they paid to his father's appointment, so recommended him to the Normans settled in England, that the chief lords very hastily concurred in his coronation, performed by Lanfranc at Westminster, on the twenty-seventh of September, in the year one thousand and eighty-seven.

This seems to have been done without much deliberation, and not in a full parliament, there not having been time for such an assembly to meet, after the death of William the First was known in England, and before his son was crowned. But, as we are told that a great council was held by the latter at Christmas, I presume a more general acknowledgement of his right was there obtained, and homage done to him by all the vassals of the crown, who had not done it before.

P. 81. *Soon after which, as executor of the will of his father, he gave a bountiful alms to every church in the kingdom, and to the poor in each county, &c.*

According to Ingulphus, a contemporary author, V. Ingulph. p. 106. sub ann. 1087. he distributed to each of the greater churches ten marks, to each of the lesser in towns and cities five marks,

marks, to each of the country parish-churches five shillings, and to the poor in every county a hundred pounds. "Distribuitque juxta ultimam voluntatem patris sui majoribus ecclesiis totius Angliæ x marcas, minoribus v, singulis vero villanis ecclesiis v solidos. Et transmisit per unumquemque comitatum c libras distribuendas pauperibus pro anima patris sui." This altogether makes a great sum of money. The executing his father's will in so extensive a charity would do great honor to the piety of William Rufus, if there was not cause to suspect that he did it with a political view, to gain the affection of the clergy and people, which, at that time, he stood in great need of. And as he had no title to the crown, but the will of his father, it was the more necessary for him to perform that will in every part.

P. 83. *In this extremity the king had no resource but the English, &c.*

This is expressly affirmed by most of the historians who lived nearest the times, viz. the author of the Saxon chronicle, Florence of Worcester, William of Malmshury, Simeon of Durham, Henry of Huntingdon, and Ordericus Vitalis. The words of the first are these, "Quum rex intellexisset omnia hæc, et qualem prodicionem exercerent in suos, fuit animo vehementer sollicito. Tunc accersivit Anglos, et iis exposuit suas angustias, rogavitque eos auxilium, pollicitus iis meliores leges quam unquam fuerunt in hac terrâ; omnia item injusta tributa abrogavit, concessitque subditis suas sylvas et vehatus; verum hoc haud diu mansit. Angli nihilominus auxilio adfuerunt regi ipsorum domino." And afterwards, "Quum rex intellexisset eam rem, eo contendit cum exercitu

“ citu quem apud se habuit, et mittens *per totam*
 “ *Anglorum terram*, iussit unumquemque qui non
 “ esset homo nequam, venire ad se, Francos, *Ang-*
 “ *losque*, de oppidis ac de villis. Tunc ad eum
 “ collectæ sunt magnæ copiæ, &c.”

Florence of Worcester writes thus: “ Congregato
 “ quantum potuit ad præsens Normannorum, *sed*
 “ *tamen maxime Anglorum*, equestri ac pedestri exer-
 “ citu, tendere disposuit *Rocestriam*.”

William of Malmesbury says, “ Ille videns Nor-
 “ mannos pœne omnes in unâ rabie conspiratos, *Ang-*
 “ *los, probos et fortes viros, qui adhuc residui erat*,
 “ invitatoriis scriptis arcessit, quibus super injuriis
 “ suis querimoniam faciens, bonasque leges, et tri-
 “ butorum levamen, liberaſque venationes pollicens,
 “ fidelitati suæ obligavit.” And afterwards, “ *Ang-*
 “ *los* suos appellat, jubet ut compatriotas advocent
 “ ad obsidionem venire, nisi si qui velint sub no-
 “ mine *Nidering*, quod nequam sonat, remanere,
 “ *Angli, qui nihil miserius putant quam hujusce voca-*
 “ *buli dedecore aduri, catervatim ad regem confluunt*,
 “ *et invincibilem exercitum faciunt*.”

These are the words of Simeon of Durham:
 “ Hoc audito rex fecit convocari *Anglos*, et osten-
 “ dit eis traditionem Normannorum, et rogavit ut
 “ sibi auxilio essent, eo tenore, ut si in hac neces-
 “ sitate sibi fideles existerent, meliorem legem quam
 “ vellent eligere eis concederet, et omnem injustum
 “ scottum interdixit, et concessit omnibus sylvas
 “ suas, et venationem. Sed quicquid promissit,
 “ parvo tempore tenuit. *Angli* tamen fideliter
 “ eum juvabant.”

Henry of Huntingdon says, “ Rex autem, con-
 “ gregato *Anglorum* populo, reddidit venatus et ne-
 “ mora, legesque promissit exoptabiles.”

Ordericus Vitalis expresses himself thus upon the
 same subject: “ Lanfrancum itaque Archiepisco-
 “ pum,

“ pum, cum suffraganeis præsulibus, et comites,
 “ *Anglosque naturales* convocavit, et conatus adver-
 “ sariorum, ac velle suum expugnandi eos indica-
 “ vit.” And afterwards, “ *Anglorum vero triginta*
 “ *millia tum ad servitium regis sponte sua concurre-*
 “ *runt*, regemque, ut perfidos proditores absque
 “ respectu puniret, admonuerunt, dicentes, Viriliter
 “ age, ut regis filius; et legitimè ad regnum as-
 “ sumptus, securus in hoc regno dominare omni-
 “ bus. Nonne vides quot tecum sumus, tibi que
 “ gratanter paremus?” He further adds, as a part
 of their harangue to the king, *Solenter Anglorum ri-*
mare historias, inveniesque semper fidos principibus suis
Angligenas; and then goes on thus, “ Rex igitur
 “ *Rufus indigenarum* hortatu promptior surrexit, et,
 “ congregato exercitu magno, contra rebelles pug-
 “ naturus processit.”

From all these testimonies it is clear beyond contradiction, that William Rufus owed his crown to the arms of the English.

See Brady,
 vol. i. p. 233.

Dr. Brady, to get over the force of this evidence, has recourse to the most absurd of all suppositions, viz. that the English here mentioned were not English, but Normans who lived in England; whereas the Normans who took up arms in favor of Robert were such as had estates in England, but lived in Normandy: or else (as he says in another place) that those called English were the Normans who came in with the Conqueror. But this is quite overturning all use of words, nor does it bear any appearance or colour of truth: for our historians inform us, that more of the Normans who came in with the Conqueror, and of those who lived in England upon the estates they had in this kingdom, were against William Rufus, than with him upon this occasion. And how is it possible, that either the one or the other should be called

Angli-

Angligenas, et *Anglos naturales et indigenas*? How could William of Malmſbury ſay, that they were afraid of being called by a Saxon name of reproach? or Ordericus Vitalis make them deſire the king to look into hiſtory, and ſee that the Engliſh had always been faithful to their kings? To read the paſſages is anſwer enough to ſuch wild conceits, into which nothing but paſſion for the ſupport of a ſyſtem could have betrayed a man of Dr. Brady's learning and parts. Yet, though it muſt be acknowledged that theſe were natural Engliſh or Saxons, it is certain from Domeſday-book, that, when that ſurvey was made, almoſt all the *baronies*, and great military ſiefs of the crown, were poſſeſſed by Normans and French.

Ingulphus, who was contemporary with William the Firſt, writes of him thus, "*Comitatus et baronias*, Ingulph. edit. Gale, ad ann. 1066. *episcopatus et prælatias, totius terræ, ſuis Normannis rex diſtribuit, et vix aliquem Anglicum ad honoris ſtatum, vel alicujus dominii principatum aſcendere permittit.*" The reaſon of which is given by Eadmerus, another writer who lived at the ſame time, "*Uſus atque leges, quas patres ſui et ipſe in Normanniâ habere ſolebant, in Angliâ ſervare volens, de hujusmodi perſonis episcopos, abbates, et alios principes per totam terram inſtituit, de quibus indignum judicaretur, ſi per omnia ſuis legibus, poſtpoſitâ omni aliâ conſideratione, non obedirent, et ſi ullus eorum pro quavis terreni honoris potentiâ caput contra eum levare auderet, ſcientibus cunctis unde, qui, ad quid, aſſumpti fuerint.*"

Henry of Huntingdon ſays, that, in the twenty-fiſt year of this king, "*Vix aliquis princeps de progenie Anglorum erat in Angliâ;*" and Malmſbury affirms, that, at the time when he wrote, "*Anglia facta eſt exterorum habitatio, et alienigenarum*"

“narum dominatio. Nullus hodie Anglus vel *dux*,
 “vel *pontifex*, vel *abbas*.” These English then, who
 assisted William Rufus, must have been for the
 most part of a lower degree, inferior tenants in chief,
 or such as held their estates in vassalage to the Nor-
 mans; but that vassalage was a free service, and no
 worse than what was due from those Normans them-
 selves, who were military tenants, or even tenants in
 free socage, to the barons. And therefore, when
 it is said by Henry of Huntingdon, and by some
 other old writers, that all the English were reduced
ad servitutem, they can only mean it in contradis-
 tinction to their former enjoyment of *allodial* estates,
 not to imply that they were made *slaves*. I have
 shewn in a former note, that the word *servitutem*
 was used in this sense. It appears indeed, from the
 words of Florence of Worcester cited above, that
 many of the thirty thousand who fought on the side
 of William Rufus were *foot*. And so were those
 English who afterwards supported the cause of King
 Henry the First against Duke Robert, as William
 of Malmesbury informs us: “Nam licet, *principi-*
 “*bus* deficientibus, partes ejus solidæ manebant,
 “quas Anselmi archiepiscopi, cum coëpiscopis suis;
 “simul et *omnium Anglorum* tutabatur favor. Qua-
 “propter ipse *provincialium* fidei gratus, et saluti
 “providus, plerumque *cuneos* circueiens docebat;
 “quomodo *militum* ferociam eludentes *clypeos ob-*
 “*jectarent*, et ictus remitterent: quo effecit, ut ul-
 “tronei votis pugnam deposcerent, in nullo *Nor-*
 “*mannos* metuentes.” The word *militum* here is
 used instead of *equitum*, to signify *horsemen*. The
 word *cuneos* shews that they fought in *close bodies*,
 and their *clypei* must have been strong to resist the
 lances of the cavalry whom they were to engage.
 They were not therefore mere archers, but foot
 completely armed. We likewise find, that William
 Rufus,

V. Malmfb.
 l. v. f. 58. b.
 lin. 5.

Rufus, in one of his wars against Robert in Normandy, sent over to England for twenty thousand English infantry. Henry of Huntingdon says, "Fecit interim rex *summoneri* 20,000 *peditum Anglicorum*, ut venirent in Normanniam." The words *fecit summoneri* imply, that these English were obliged, by their tenures, to serve abroad, and therefore held by knight's service. Simeon of Durham, another contemporary historian, uses these words: "Quod cum regi innotuit, nunciis in Angliam missis, 20,000 *pedonum* in Normanniam sibi *jussit in auxilium mitti*." It must be observed that the English, till long after these times, were more accustomed to fight on foot than on horseback.

H. Huntingd.
l. vii f. 214.
lin. 8.

P. 86. *It was principally owing to the authority of Lanfranc supported by Rome, that so strange a tenet was now established both in England and France.*

It seems difficult, at first sight, to account for the zeal of the see of Rome in advancing and propagating a doctrine so full of absurdity, as that of *transubstantiation*. What use, it may be said, could there be in understanding a figurative expression (with which manner of speaking the Scripture so much abounds) according to the letter, which makes it nonsense; when that nonsense does not appear to be productive either of power or profit to the church? The supremacy and infallibility of the bishops of Rome; the doctrine of purgatory, masses, and prayers for the dead; the worship of saints and images; the celibacy of the clergy; the merit of monastick vows; the necessity of confession to, and absolution by a priest, for the remission of sins; the power of the pope to grant indulgences, and apply to the benefit of other men the works of supererogation done by saints, and therefore belonging

to the treasury of the church; all these opinions have a clear and evident tendency to raise and support the dominion and wealth of the Roman see and the clergy: whereas the multiplied contradictions and impossibilities, contained in the notion of transubstantiation, seem to serve to no purpose, but to expose the Christian faith to the ridicule and contempt of the Jews and Mahometans, or other unbelievers. Nevertheless, the solution of this difficulty may be found in the words of Pope Paschall the Second, cited in another part of this book, viz.

“ That it was a most execrable thing, that those
 “ hands, which had received such eminent power,
 “ above what had been granted to the angels themselves, as by their ministry to create God the
 “ creator of all, and offer up the same God, before
 “ the face of God the Father, for the redemption and
 “ salvation of the whole world, should descend to
 “ such ignominy, as to be put, in sign of subjection,
 “ into the hands of princes, &c.”

The same words were also used by Pope Urban the Second at the council of Bari. And certainly nothing could so raise the idea of the priesthood, or produce such veneration for them, in the minds of the people, as their being supposed to possess this *more than angelical power*.

P. 89. *On the other hand, such a destruction had William the Conqueror made of the English nobility, that there remained no chief of that nation who had any authority with his countrymen, &c.*

The last English chief of any note, who appears to have experienced the clemency of William, and to have enjoyed, by his permission, an estate in this kingdom, was Hereward, the son of Leofric, lord of Brunne in Norfolk. This gentleman had in his youth been so very wild and unruly, and had
 done

done so much mischief in his neighbourhood, that Edward the Confessor, at the complaint and request of his father himself, had banished him out of England. While he was abroad, he signalized himself by such exploits of valour, and acquired such renown, though he had not yet received the order of knighthood, that his family and countrymen much desired his return. But during his absence, William the Conqueror, either considering him as a banished man, or because he was not present to pay homage for his lands on the death of his father, gave them to one of the Normans: which he greatly resenting, and being also provoked at some ill usage of his mother in her widowed state, came over to England, and, gathering about him a band of his relations and friends, revenged his mother upon those who had injured her, and recovered his estate by force of arms. After which he was knighted by his uncle Brand, abbot of Peterburgh.

In the year 1071, he was invited to take the command of all the English who had fortified themselves in the isle of Ely, where he did such heroick acts, that Ingulphus tells us, *they were sung in the streets at the time when he wrote*. One of these, which is recorded by Peter de Blois, the continuator of Ingulphus (p. 124, 125.) deserves a particular notice here. That author tells us, that Ivo de Taillebois, who had a superstitious belief in the power of witchcraft, persuaded his master, William the Conqueror, to put a certain pretended sorceress at the head of his troops in one of the attacks he made on the isle of Ely, assuring him, that the enemy would not be able to resist her incantations and charms. But the vanity of this opinion was soon manifested to all. For the witch, being carried at the top of a moveable tower, which rolled upon wheels, over a bridge which the king's

foldiers had laid across the fens, was presently killed; and the soldiers and workmen advancing further, Hereward made a sally upon their flank, and, firing the reeds that grew about the fens, burnt or suffocated them, and reduced to ashes the body of the forceress, with the bridge and all the works. When the isle was taken by the king, he alone, of all the nobility there, would not deign to capitulate, or yield himself a prisoner, but forced his way out, with some of his followers, and got off. He afterwards took the Norman abbot of Peterburgh, who had succeeded to his uncle, and many other gentlemen, for whose ransom he obtained three thousand marks. William, who always loved and respected any man of extraordinary courage, granted him a pardon for all these offences, with a full restitution of his paternal inheritance; and we are told by Ingulphus, that he concluded his life in peace. In what year this pardon was granted I find no good evidence, nor when he died; but it was probably before the death of William, as no mention is made of him under any of the successors of that king.

P. 90. *The extravagant bounties of William Rufus, who gave his army all he could tear out of the bowels of his people, not only endeared him to the soldiery here, but drew to his service great numbers of the most valiant men from all parts of Europe, who were a continual supply of new force, by which he was enabled to intimidate those of his national troops, who were at any time displeased with his conduct.*

The words of Abbot Suger, in his life of Lewis le Gros, concerning this prince, are very remarkable: "Ille opulentus, et Anglorum thesaurorum profusus, mirabilis militum mercator et solidator."

P. 94. *The character of this monarch cannot better be shewn than by one fact, which is related from the mouth of his own son, King David the First, to King Henry the Second his great grandson, by Ethelred, Abbot of Rivaux.*

There is in Ælian's *Various History* an action ascribed to Darius Hytaspes, which so nearly resembles this, that I should have supposed the Abbot of Rivaux had taken it from thence, and given the honor of it to Malcolm, king of Scotland, had it not been for this consideration, that Ælian was an author hardly known in that age. Few or none indeed in this island could then understand a Greek book in the original language; and no translation was made of the work in which this passage occurs till the year 1548; nor do I find in the writers of the twelfth century any other trace of its having been read by them among the few classics with which they were acquainted. It may therefore be supposed, that Darius and Malcolm really acted in a like manner: as other instances can be given, where, without imitation, the same magnanimous sentiments in different men have produced the same actions. The words of the Abbot of Rivaux are these, in a treatise addressed to Henry Plantagenet, then duke of Normandy: "*Cujus sane cordis fuit rex iste Malcolmus; unum ejus opus, quod nobili rege David referente cognovi, legentibus declarabit.*" And then he relates the story here told, with many particulars that are not to be found in Ælian's account of Darius Hytaspes, though the general cast and substance of the action is much the same.

V. Præf. Jac.
Perizonii,
Editio Gronovii.

V. Ethelred.
Abb. Rieval.
de Genealog.
Reg. Ang.
P. 367.

P. 122. *But his brother Robert going into it with ardor, and wanting more money, to enable him to bear*

bear so great an expence, than his own exhausted exchequer could supply, William agreed to furnish him with ten thousand marks, equivalent to a hundred thousand pounds in these days, by the help of a tax, or benevolence, illegally raised upon his English subjects, &c.

It seems extraordinary, that the difficulty of raising this sum should have been so great as is represented by the writers of those times. It must have arisen, partly from the enormity of the king's former exactions, which had much impoverished the kingdom; and, partly, from the depopulation caused by the wars and cruelty of his father; as it is much harder to raise taxes from a few than from many. This appears to have been raised by way of *benevolence*; for these are the words of Simeon of Durham, and Florence of Worcester, "Post hæc comes Normannorum Robertus, cum Hierusalem proficisci cum aliis animo proponeret, nuntiis in Angliam missis, germanum suum Gulielmum petiit, ut inter se pace redintegratâ illi decies mille marcas argenti præstaret, et ab eo Normanniam in vadimonium acciperet. Qui mox petitioni ejus satisfacere gestiens, *indixit majoribus Angliæ, ut quisque illorum pro posse sibi pecuniam festinanter accommodaret.* Idcirco episcopi, abbates, abbatissæ, aurea et argentea ecclesiæ ornamenta fregerunt; comites, barones, vicecomites, suos milites et villanos spoliaverunt, *et regi non modicam summam auri et argenti detulerunt.*" From these last words I conjecture, that the sum raised by the benevolence was more than sufficed to answer the demand of Robert. And, as it is certain that the king had then other occasions for money, we may well suppose he did not limit himself to that exact sum, but took all he could get. It appears from the words above-cited, that the nobles discharged them.

themselves in a great measure of the load of this imposition, by laying it on the vassals, who could but ill bear it; and the prelates, by selling the ornaments of their churches, which perhaps they might do, not only to ease themselves, but to throw a greater odium on the king, whom they hated; as if he forced them to a sacrilege. But that prince might the better stand it, because the loan to Duke Robert, which was the principal reason assigned for exacting this benevolence, was to enable him to go to the *Holy war*, in which case the pope allowed the church to be taxed, and even to apply to that service what was given to other pious uses. Yet the outcry in England was great against it, as we may judge by the words of William of Malmesbury on this occasion, *Capsas sanctorum nudaverunt, crucifixos despoliaverunt, calices constarunt, non in usum pauperum, sed in fiscum regium: quicquid enim pene sancta servavit avorum parcitas, illorum grassatorum absumfit aviditas.* V. Malmsh. de Will. II. l. iv. f. 70.

One may wonder that Robert should mortgage the duchy of Normandy for ten thousand marks; but he had lost a great part of it before to William Rufus, and had reason to believe, that, while he was in the East, that king would take the rest. He therefore thought it most prudent to give him possession of the whole in consideration of this loan, which he could not easily obtain in any other manner, thinking that he might redeem it, if he came back, and that, if he died in the East, it would be a means of preventing any troubles in the duchy, which his brother was heir to, at his death, not only by birthright, but by a particular treaty and compact between them. It is however certain, that William Rufus had a good bargain, and availed himself of the impatience and indiscretion of Robert in this affair, as in many others.

P. 127, 128. *By the face of our Lord (replied the king with a smile) thou shalt henceforth be my soldier, &c.*

The words in the original are, *per vultum de Luca*, which, it seems, was the usual oath of this king, and which modern writers have translated, as if he swore by the face of St. Luke the Evangelist. But there is at Lucca in Tuscany an ancient figure of Christ, brought thither miraculously (as they pretend), and which, they say, continues still to work miracles. They call it *il santo volto de Luca*, and are so proud of possessing it, that it is stamped on their coin with this legend, *SANCTVS VVLTVS DE LVCA*. Eadmerus, relating an answer that William Rufus made to the bishop of Rochester, tells us he used these very words, “*Scias, o episcopo, quod per* L. i. p. 30, 31. *sanctum vultum de Luca, &c.*” In another place he relates a speech of that prince, in which he swore *per vultum Dei*. We must therefore understand *per vultum de Luca*, to be an oath by the face of Christ, denominated from the representation of it at Lucca, as the Virgin Mary is called *our Lady of Loretto*, from the image of her preserved and worshipped there.

P. 141. *To give that liberty a more solid and lasting establishment, they demanded a charter, which Henry granted soon after his coronation, as he had sworn to do before he was crowned.*

Some eminent writers of these times have supposed, that the Normans concurred with the English in demanding of Henry the First the entire restoration of the Saxon constitution: And this opinion is founded upon a passage in Matthew Paris, which requires a particular consideration. The words are these: “*Quod Henricus fratrum ultimus et juvenis*”
“*sa-*

“ sapientissimus, cum callide cognovisset, convocato
 “ Londoniæ clero Angliæ et populo universo,
 “ promisit emendationem legum, quibus oppressa
 “ fuerat Anglia tempore patris sui, et fratris nuper
 “ defuncti, ut animos omnium in sui promotionem
 “ accenderet et amorem, et ut illum in regem
 “ susciperent et patronum. *Ad hæc clero respondente*
 “ *et magnatibus cunctis, quod, si, animo volente, ipsis*
 “ *vellet concedere et charta sua communire illas liber-*
 “ *tates, et consuetudines antiquas, quæ floruerunt in*
 “ *regno tempore sancti regis Edwardi, in ipsum con-*
 “ *sentirent, et in regem unanimiter consecrarent.*
 “ *Henrico autem hoc libenter annuente, et se id factu-*
 “ *rum cum juramento affirmante, consecratus est in*
 “ regem, &c.” But it would have been very un-
 accountable, if the Norman barons had asked, or
 Henry had willingly consented to grant, the abolition
 of feudal tenures; as these expressions may at first
 sight appear to import. To overturn the great
 policy upon which the Norman government stood
 at that time, was neither expedient for him, nor
 for them. No such thing is affirmed by any one of
 the many contemporary historians. William of
 Malmesbury only says, “ Edicto per Angliam misso
 “ *injustitias à fratre et Ranulpho institutas prohibuit.*”
 According to Henry of Huntingdon, he promised
 no more than a *desirable amendment of the laws and*
customs: “ Sacratu est melioratione legum et consuetu-
 “ *dinum optabili repromissa.*” Nor is any intimation
 given by this writer, that more was demanded.
 The Saxon Chronicle says the same thing a little
 more strongly: “ Deo et omni populo promisit
 “ *se omnia injusta abrogaturum, quæ fratris temporibus*
 “ *obtinerunt, et optimas leges stabiliturum, quæ in*
 “ *cujusvis regis diebus ante ipsum vigerunt.*” And
 all this is conformable to the charter he gave,
 which best explains his intentions, and the desires of
 his

his parliament. We must therefore understand Matthew Paris in the same sense, viz. that nothing further was asked of Henry the First, or promised by him, to the nation, after the death of his brother, than a confirmation by charter of the laws of Edward the Confessor, *with such alterations as his father had made in them, with consent of his parliament*, and some mitigation, but by no means an abrogation, of the Norman feudal tenures. And thus it is plain that Matthew Paris himself understood it; for he gives us the charter of that king, without any complaint of its being less compleat than what was desired, or than what he had promised to grant. On the contrary, he mentions it with great satisfaction. *Has libertates subscriptas, in regno, ad exaltationem sanctæ ecclesiæ, et pacem populi tuendam, concessit.* And Simeon of Durham, whose words are transcribed by Hoveden, speaks of it in the same manner, without any intimation of a larger demand: “ Sanctam ecclesiam, quæ fratris sui tempore vendita, et ad firmam erat posita, liberam fecit, ac omnes malas consuetudines, et injustas exactiones, quibus regnum Angliæ injustè opprimebatur, abstulit, pacem firmam in toto regno suo posuit, et teneri præcepit, legem regis Edwardi omnibus in commune reddidit cum illis emendationibus, quibus pater suus illam emendavit.” These last words, which are transcribed from the charter itself, shew what was meant by Henry of Huntingdon in the abovementioned expression, *melioratione legum et consuetudinum optabili repromissa*. The word *repromissa* implies, that such a promise had been made to them before. And so it was by William the First. For he had confirmed the laws of Edward the Confessor, with amendments made by his parliament, *ad utilitatem Anglorum*, as one of his statutes declares: “ Hoc quoque præcipimus, ut omnes
“ ha-

“habeant et teneant leges Edwardi regis in omnibus rebus, *adauctis his quas constituimus ad utilitatem Anglorum.*” (V. Wilkins Leges Gul. Conquest. l. lxiii.) But the laws, thus amended, not having been well observed, either by him, or William Rufus, a *charter* was required of Henry the First. And it must be observed, that Matthew Paris, though an historian of good credit when he relates the transactions of his own times, is very inaccurate in those of an earlier date; that part of his history, which contains the period I treat of, and which is copied from Roger de Wendover, being only a careless and ill-digested abridgment of the more ancient writers.

P. 142. *To use the words of one of our greatest antiquaries, Sir H. Spelman, “It was the original of King John’s Magna Charta, containing most of the articles of it, either particularly expressed, or in general, under the confirmation it gives to the laws of Edward the Confessor.”*

Matthew Paris tells us, that, in the year 1215, P. 253. the barons came in arms to King John at London, and demanded of him that certain liberties and laws of King Edward, with other liberties granted to them, and to the kingdom and church of England, should be confirmed, *as they were contained and set down in the charter of King Henry the First, and in the laws abovementioned.* “Venientesque ad regem
“ibi supradicti magnates, in lascivo satis apparatu
“militari, petierunt qualdam libertates et leges
“regis Edwardi sibi et regno Angliæ et ecclesiæ
“Anglicanæ concessis, confirmari, *prout in charta
“regis Henrici primi et legibus prædictis ascriptæ
“continentur.*” And the same historian, when he mentions the *capitula*, or rough draught of the great charter, delivered to John by the barons, says,
that

that the articles thereof *were partly written before, in the charter of King Henry the First, and partly taken out of the ancient laws of King Edward.* "Capitula quoque legum et libertatum, quæ ibi magnates confirmari quærebant, *partim in charta regis Henrici superius scripta sunt, partimque ex legibus regis Edwardi antiquis excerpta.*" These passages, and what he says before, p. 252 and 253. of the barons having sworn, at St. Edmond's bury, to make war on the king, till he should confirm to them, by a charter under his seal, the laws and liberties granted in the charter of King Henry the First, sufficiently shew, that they understood and intended this charter to be the original and foundation of that which they demanded and obtained from John. Yet no mention is made thereof, either in the *capitulations* which they delivered to him, or in the great charter itself. To account for this, I think, we may reasonably suppose, that finding some articles of Henry's charter, since the last confirmation of it at the beginning of the reign of King Henry the Second, altered by law (as we may well presume from what Glanville delivers *as law* about the latter end of that reign); they thought it more advisable to draw out particular articles, both from that charter and from the laws of Edward the Confessor confirmed therein, with the addition of some new provisions founded upon the same principles and consonant thereto, than to confirm it in general. This may also have been the reason why it was not confirmed at the accession either of Richard or John, as it had been by their father; and why, at the time when the latter was absolved from his excommunication, in the year 1213, he was required to swear, that he would confirm, not this charter, but *the good laws of his ancestors, and especially those of Edward the Confessor.* "In hac autem absolu-

— tione

"tione juravit rex, *tactis sacrosanctis evangelis,*
 "quod sanctam ecclesiam ejusque ordinata dili-
 "geret, defenderet, et manuteneret, contra omnes
 "adversarios suos pro posse suo: *quodque bonas leges*
 "*antecessorum suorum et precipue leges regis Edwardi*
 "*revocaret, &c."* Indeed we may suppose with
 good reason, that whatever deviations from the
 charter of Henry the First are not complained of,
 or marked out as abuses to be remedied, in the
capitulations of the barons, or in some of the articles
 of Magna Charta granted by King John, had
 received a legal sanction in some part of the reigns
 of Henry the Second or Richard the First; and
 some few of them even in the reign of Henry the
 First himself, particularly with regard to the terms
 and incidents of feudal tenures. But there is a
 passage in the abovementioned author, Matthew
 Paris, relating to the charter of Henry the First,
 which requires observation. Speaking of a con-
 vention or synod held in London under Stephen
 Langton, archbishop of Canterbury, in the year
 1213, he says, "*In hoc colloquio (ut fama refert)* P. 240, 241.
 "archiepiscopus memoratus, convocatis seorsum
 "quibusdam regni proceribus, coepit affari eos
 "secretius in hunc modum. Audistis, inquit, quo-
 "modo ipse apud Wintoniam regem absolvi, et
 "ipsum jurare compulerim, quod *leges iniquas*
 "*destrueret, et leges bonas, videlicet leges Edwardi*
 "*revocaret, et in regno faceret ab omnibus observari.*
 "*Inventa est quoque nunc charta quedam Henrici*
 "*primi, regis Angliæ, per quam, si volueritis, liber-*
 "*tates diu amissas poteritis ad statum pristinum re-*
 "*vocare. Et proferens chartam quandam in medium,*
 "*fecit eam, audientibus cunctis, in hunc modum re-*
 "*citari, cujus tenor erat talis."* He then gives the
 charter, and, after the recital of it, goes on in these
 words:

words : “ *Cum autem hæc charta perlecta, et baronibus audientibus intellecta fuisset, gavisi sunt gaudio valde magno, et juraverunt omnes in præsentia archiepiscopi sæpediti, quod, viso tempore congruo, pro his libertatibus, si necesse fuerit, decertabunt usque ad mortem.* ”

Nothing can be more improbable than this account. It imports that the charter of King Henry was then a *novelty* to the barons, and that they expressed a surprize of joy at hearing a copy of it read, which the archbishop told them was *just found*. Whereas we learn from the same historian, that, after the charter was given, the king ordered as many transcripts thereof to be made, as there were counties in England, and to be laid up, as records, in the abbeys of every county. *Factæ sunt tot chartæ quot sunt comitatus in Anglia, et, rege jubente, positæ in abbatiis singulorum comitatuum ad monumentum.* The first charter of Stephen *confirms the liberties and good laws, which his uncle King Henry gave and granted, and all good laws and good customs, which the nation had enjoyed in the time of Edward the Confessor*, words which evidently refer to the charter. It was also confirmed more expressly by King Henry the Second. How is it possible then that in the reign of his son it should be so difficult to produce a single transcript of it, and that even the remembrance of what it contained should be so totally lost among the principal nobles ? The strong objections to so strange a story did not escape the penetration of the learned and judicious Dr. Blackstone. In his accurate edition of the charters, he takes notice of the great improbability of it ; and further observes, that it is mentioned by no other contemporary historian ; but that, on the contrary, all of them assign quite different reasons for the con-

P. 56. sub
ann. 1100.

P. 4, 5, 6, 7,
8, 9.

confederacy of the barons. I will add to his remarks, that the credit of this story is still more weakened, by its being only delivered *upon common fame* (*ut fama refert*), though it is said to have passed *in secret*. “Convocatis *seorsum* quibusdam regni proceribus cœpit affari eos *secretius* in hunc modum.” How can one suppose, that the particular words of a speech *made in secret* could be accurately reported by *common fame*? And yet all depends on the expressions, *inventâ est quoque nunc charta quædam Henrici primi, regis Angliæ, per quam, si volueritis, libertates diu amissas poteritis ad pristinum statum revocare.* And afterwards, *cum autem hæc charta perlecta et baronibus audientibus intellecta fuisset, gavisi sunt gaudia valde magno.*

That the archbishop should produce to the barons a transcript of the charter, as a proper foundation for their confederacy, and for the demands, or claim of rights, they were to make to the king, I think very probable. But that there could be any difficulty in finding such a transcript, or that it should be regarded by them as a novelty, appears to me quite incredible.

How far Matthew Paris, or rather Roger de Wendover (from whom the former has transcribed this part of his history) is from being exact in his account of these affairs, we need no better evidence, than the copy he gives us of the charter of King John, which is essentially different from the originals in the British Museum and at Salisbury, and from the entry in the Red Book of the Exchequer: No hypothesis therefore can reasonably be built on this passage in that writer; though some have been induced to infer from it, that the charter of Henry the First became obsolete almost as soon as it was given, and was so totally neglected, as to be in a manner forgotten.

See Blackstone's Introduction, p. 28.

P. 143. *But no laws or privileges can make a people free, if the administration and spirit of government be not in general suitable to them. The conduct of Henry corresponded entirely with his engagements.*

That this was true at the beginning of his reign, will not be disputed; that, in some instances afterwards, he did not act quite agreeably to an equitable and candid construction of law, or to the spirit of a free government, I make no doubt: yet, that *in general* his government was good and legal, and that his people enjoyed the benefit of the charter he had granted, and of the laws and privileges therein confirmed, even to the end of his life, the following passages, from contemporary historians, I think, will evince. Richard prior of Hexham, in giving his character, says, "*Bonas quoque leges et consuetudines regis Edwardi, prædecessoris ac cognati sui restauravit, et prout ei videbatur suâ sapientiâ et auctoritate emendatas et corroboratas, in regno suo rigide et constanter tam à divitibus quam à pauperibus observari fecit.*" And afterwards, "*Post quem non surrexit princeps alius qui sic injustas regni exactiones interdiceret, omnes sibi subiectos in pace et modestiâ sapientiæ disponderet, &c.*"

V. Richard.
Hagust. Hist.
in Decem
Scriptoribus.

V. Joh. Hag. which last words are also found in a history written
ibidem, f. 258. by another prior of the same convent. Indeed the wisdom of this king must have made him very cautious of violating a charter, the grant of which was the condition of his being raised to the throne, in preference to his elder brother Robert. Even after the captivity of that unfortunate prince, his son became soon a formidable pretender to the crown of England; and Henry had reason to fear, that, if he should lose the affection of his people, or excite any high degree of discontent in the nation,

it

it would deprive him of his best security against the title of his nephew. In these circumstances his charter was the bulwark of his government, and it cannot be supposed that a prince, whose characteristic quality was prudence, would himself destroy that bulwark. Nor is it conceivable, that, if their liberties had been materially injured, the nation would have been quiet under his government, as we know that they were during above thirty years, and have given him continued marks of an unabated affection to the very end of his life. This fact, which is undeniable, affords a stronger proof of his having governed according to law, and agreeably to his charter, than even the testimonies of the most impartial contemporary historians. And there is good reason to believe, that even in his time some of the liberties granted in his charter might be limited by statutes, which are now lost; so that acts done by him against those liberties, in certain particulars, might not be *illegal*.

Ibid. He took off all the burthens that had been illegally imposed on the subjects, &c.

William of Malmshury adds, "That he restored, *in his court*, the use of lamps in the night, which had been intermitted in the time of his brother." "Lucernarum usum noctibus *in curia* restituit, qui fuerat tempore fratris intermissus." And this is the single passage in any historian before Polydore Vergil, which seems to allude to the *curfew* or *cokwresen*, supposed, by that author, to have been introduced by an ordinance of William the First, and mentioned by some later writers, as a mark of the slavery, in which he held the conquered English. But it is plain from these words, that William of Malmshury thought it was introduced by William Rufus, and extended to the whole court; that is,

V. Malmsh. d.
Henr. I. l. v.
f. 88. lin. 29.

Vid. Histoire
Univ. t. i.
p. 240.

to the Norman nobles, as well as to the English, and consequently was no proof of the servitude of the latter. Monsieur Voltaire says, "That the law, far from being tyrannical, was only an ancient *police*, established in almost all the towns of the North, and which had been long preserved in the convents." He adds this reason for it, "that the houses were all built of wood, and the fear of fire was one of the most important objects of general *police*."

From the expression of William of Malmesbury, cited above, one should think, that, in England, it had only been practised in the king's court, or was taken off *only there* by Henry the First. And the foregoing words, *effaminatos curia propellens*, which introduce the whole sentence, and have a connexion with it, appear to imply, that some unnatural crimes had been committed in the court, under the cover of the darkness; on which account the use of lamps was *there* restored by that prince. Upon the whole, as Polydore Vergil is too modern a writer to be of any authority, and all the ancient historians are silent about it, I think there is great reason to doubt, whether the law, or regulation he mentions, was made by William the First, or was ever so general as he represents it. The *curfew-bell* may have been only rung in the convents, and probably, took its name from an old practice there, of putting out their fire and candles at eight every night. In the *Leges Burgorum* of David the First, king of Scotland, mention is made of it as marking the time when the watch should go out. The law is worth transcribing:

V. Leg. Burg.
per Dav. reg.
Scotiz, c. 86.

"De omni domo in qua aliquis habitat, unus
tenetur propter metum periculi vigilare, qui cum
baculo ostiatim circuibit; et erit de ætate virili.
Qui etiam cum duabus armaturis exhibet, quando
pul-

*" pulsatur ignitegium (cavenfew). Et sic vigilabit
 " cautè et sollicitè usque ad diem auroram."* As
 therefore the practice of it was in Scotland, no
 less than in England, it could be no badge of a
conquest, nor any evidence of a nation's being en-
slaved.

P. 152. *After much dispute, &c. he was compelled to
 give up investitures; and the pope submitted to allow
 him homage from his bishops and abbots.*

I can in no wise agree with Rapin Thoyras, that
 it was a reasonable thing for King Henry the First
 to give up to the Pope the *investitures* of the clergy,
 retaining the *homage*, and that this agreement was of
 no prejudice at all to the crown. For the *spiritual*
character was conferred by *consecration*, not by *inde-*
stitura, which only conferred the *temporalities*; and,
 when the crown parted with these, it gave up an
 authority *proper to itself*, and no wise of a *spiritual*
nature. There was much more reason in the agree-
 ment made by the emperor Henry the Fifth with
 pope Calixtus the Second, in the year 1122, by which
 he was allowed to retain the right of investitures;
 but they were to be conferred by a *sceptre*, not by a
staff and a *ring*; which change of the ceremony was
 of no real prejudice to the royal authority, and took
 off any appearance of interfering with the peculiar
 rights of the church.

V. Rapin
 Hist. d'An-
 gleterre, t. ii.
 p. 171.

P. 152. *He did not enough consider how much the design
 of detaching the clergy from any dependance upon
 their own sovereign, and from all ties to their
 country, was promoted by forcing them to a life of
 celibacy; but concurred with the see of Rome and
 with Anselm, it's minister, in imposing that yoke
 upon the English church, which till then had always
 refused it.*

An attempt had been made in the Saxon times to force the canons of cathedral churches and collegiate societies to celibacy; but with regard to the parochial clergy, nothing further had been attempted than in the way of advice. About the beginning of the eleventh century, Ælfric, archbishop of Canterbury, who was particularly zealous for it, preached a sermon on the expediency of the clergy's living unmarried, in which are these words, *Non*

V. Sermon.
Alfrici ad clericos, MS.
Bennet Coll.
Cant. f. 186.
Innys's Hist.
of the English church,
p. 356. c. 21.

cogimus violentor vos dimittere uxores vestras, sed dicimus vobis qualiter esse debetis. "We do not
" compel you by force to put away your wives,
" but inform you in what manner it behoves you
" to act." He adds, *Ego vobis, clerici, mibi sub-*
ditis dico instituta sanctorum canonum, &c. sed vobis
hoc mirum et incredibile videtur, quia habetis vestram
miseriam in tam frequenti usu, ut non existimetis esse
peccatum, si presbyter, aut diaconus, aut clericus, vivat
cum uxore sicut laicus; dicitis quoque quod Petrus
apostolus habuit uxorem et filios. "I tell you, who
" are the clergy of my diocese, the injunctions of
" the holy canons, &c. but this seems wonderful
" and incredible to you, because frequent use has
" made your misery so familiar to you, that you
" think it no sin, if a priest, or deacon, or clerk,
" lives with a wife like a layman: you also say, that
" the apostle Peter had a wife and children." The
English clergy retained these sentiments, together
with their wives, till after the Conquest. In the
year 1076, the council of Winchester, assembled
under Lanfranc, decreed, "that no canon should
" have a wife; that such priests as live in castles
" or villages be not forced to put away their wives,
" if they have them; but such as have not, are
" forbidden to have any. And for the future, let
" bishops take care to ordain no man priest or
" deacon, unless he first profess that he hath no
" wife."

V. Concil.
Brit. v. ii.
p. 11. art. 1.

“wife.” This was a great advance towards imposing for the future an obligation of celibacy on all the clergy. But Anselm went further. In the year 1102, he held a council at Westminster, by which it was decreed, “that no archdeacon, priest, deacon, or canon, marry a wife, or *retain her, if he be married.* That every *subdeacon* be under the same law, though he be not a canon, if he hath married a wife after he had made profession of chastity.” And William of Malmesbury tells us, that Anselm desired of the king, that the chief men of the kingdom might be present in this council, to the end that the decrees of it might be enforced by the joint consent and care of both the clergy and laity; to which Henry assented. His words are these, “Anno dominicæ incarnationis millesimo centesimo secundo, quarto autem præfulatus Paschalis summi pontificis, tertio regni regis gloriosi Henrici Anglorum, *ipso annuente, communi consensu episcoporum, et abbatum, et principum totius regni, adunatum est concilium in ecclesiâ beati Petri in occidentali parte juxta Londonium sitâ, in quod præsedit Anselmus Dorobernensis, &c. Huic conventui interfuerunt, Anselmo archiepiscopo petente a rege, primates regni, quatenus quicquid ejusdem concilii auctoritate decerneretur utriusque ordinis concordæ cura et sollicitudine ratum servaretur.*” Thus the king and the whole realm gave their sanction to these canons! yet it appears that all the clergy of the province of York remonstrated against them; and as those who were married refused to part with their wives, so the unmarried refused to make profession, that they would continue in a state of celibacy; nor were the clergy of the province of Canterbury much more obedient. Anselm therefore, in the year 1108, held a new council at London, in the presence of the king and

V. Spelm.
Concil. v. ii.
p. 23. art. 4.

V. Malmbs.
de Gest. Pont.
Anglor.

V. Concil.
Brit. v. ii.
p. 22.

Radm. p. 77.
n. 40.

Spelm. Concil.
v. ii. p. 29.

his bishops, purely on this affair. By this assembly still severer canons were made to enforce the celibacy of the clergy; Those who had kept or taken women since the former prohibition, and had said mass, were enjoined to dismiss them so entirely, as not to be knowingly with them in any house. If any ecclesiastick was accused by two or three lawful witnesses, or by the public report of the parishioners, of having transgressed this statute, - he was, if a priest, to purge himself by six witnesses; if a deacon, by four; if a subdeacon, by two: otherwise to be deemed a transgressor. Such priests, archdeacons, or canons, as refused to part with their women, were to be deprived of their offices and benefices, and put out of the choir, being first pronounced infamous. It is even ordained by the last canon, "that the bishops shall take away all the moveable goods of such priests, deacons, subdeacons, and canons, as shall offend herein for the future, and also their *adulterous concubines* (meaning their wives) with their goods." But all these rigorous constitutions had so little effect, that, after Anselm's death, in the year 1125, the cardinal legate, John de Crema, being suffered to preside in a council held at Westminster, thought it necessary to enforce them by the papal authority. It is remarkable that this cardinal, speaking to that assembly concerning the wives of the clergy, used this expression, *that it was the biggest degree of wickedness to rise from the side of a harlot, to make the body of Christ.* And we are assured by the person who relates these words, namely Henry archdeacon of Huntingdon, a contemporary writer, that this very man, *after having that day made the body of Christ, was caught at night with a real harlot.* He adds, that a fact so publick and notorious could not be denied, and ought not to be

V. H. Hunt.
Hist. l. vii.
p. 219.

con-

concealed (*Res apertissima negari non potuit, celari non decessit*); and that the shame of this adventure drove the legate out of England. I see no grounds to deny the truth of this evidence, which is supported and confirmed by Hoveden and Brompton, writers of the same century, from any of the objections brought against it by Baronius, and some later writers. But supposing the story false; it is unquestionably true, that the canons pass by this council had a natural tendency to produce such disorders, and even worse, in the clergy; a sense of which still prevented a general obedience being paid to them: and therefore we find, that, in the year 1129, William Corboyl archbishop of Canterbury, and then legate of the pope, obtained the king's leave to hold at London another council, to which all the clergy of England were summoned, and by the authority of which all those who had wives were required to put them away before the next feast of St. Andrew, under pain of deprivation. Chron. Sax. sub ann. 1129. But experience having shewn, that such decrees ^{Huntingdon,} were ineffectual to force the observance of a re-^{l. vii. f. 220.} straint so repugnant to the law of nature and the liberty of the gospel, the primate and council thought proper to grant the king a power of executing their canons, and doing justice on those who should offend against them; which, Henry of Huntingdon says, had a most shameful conclusion: for the king received from the married clergymen a vast sum of money, and let them redeem themselves from the obedience exacted by the council: which account is also confirmed by Hoveden and Brompton. The Saxon chronicle says, that the V. Chron. constitutions of this synod had no effect: for all Sax. sub ann. 1129. P. 234. the clergy retained their wives with the permission of the king, as they had done before: but no notice is taken there of their having bought this

V. Badmer.
l. iv. p. 91.

permission. It is worthy of observation, that, whereas by one of the canons of the council held at Westminster, under archbishop Anselm, in the year 1102, it had been decreed, *that the sons of priests should not be heirs to the churches of their fathers*, Pope Paschall ordered that such of them as were persons of good characters should be continued in their benefices; and in a letter to Anselm gave this reason for the favor he shewed them, viz. *that the greatest and best part of the clergy in England were the sons of the clergy*.

But, in Stephen's reign, the power of the papacy acquiring more strength, the celibacy of the clergy was generally established in England.

P. 154. *And not only gave his greedy courtiers and parasites all they asked, but allowed them to take, both from himself and his people, whatsoever they pleased.*

D. H. I. l. v.
f. 26. (ed. 40.

Some authors say he suffered his domesticks to steal his very cloaths. William of Malmesbury tells us, that he answered all suitors to him according to their wishes, for fear of sending them away dissatisfied; even promising what it was not in his power to give. And he observes that this facility, instead of procuring him the love of the Normans, excited their contempt. When complaints were made to him, by the commons, of the oppressions they suffered from the nobles, he shewed great anger at first; but the smallest present appeased him, or a little time wore out all memory of the offence in his mind. The same historian concludes his character, by saying, that he was eloquent in his own tongue, agreeable in conversation, and able to give excellent counsel to others; inferior to none in the art of war, but, for want of strength and firm-

firmness of mind, always esteemed unfit to govern a state.

P. 155. *Following therefore the dictates of his ambition, and colouring them with zeal for the good of the Normans, especially of the church, he fought a battle at Tinchebraye; in which he defeated the duke, took him prisoner, &c.*

Before this battle, Henry had taken Bayeux by storm, and Caen by the voluntary submission of the citizens. There is some confusion and inconsistency in the description given of the battle by contemporary writers. The clearest account I am able to draw from them is this: Robert was superior in numbers to Henry, but inferior in cavalry and men at arms; most of his army being light-armed infantry. His van was commanded by William earl of Morteuil, his center by himself, and his rear by Robert de Belesme. The king seems to have formed his army into four bodies, of which only one, commanded by Helie earl of la Fleche, and composed of the troops of Bretagne and Maine, was cavalry; the rest of his men at arms, particularly the English and Normans, whom he commanded in person, being ordered to dismount and fight on foot. His van was led by Ranulph of Bayeux; his center by himself and Robert earl of Mellent; his rear by William of Warren. The cavalry under the conduct of the earl of la Fleche was posted at a proper distance from the other divisions, to support or strengthen any of them as there should be occasion. Robert is said to have ordered all his cavalry to dismount. The action was begun by his van attacking that of the enemy; and, while they were engaged, he himself, with the men at arms in his center, who had served under him in the Holy war, charged the king with such

V. Ord. Vit.
l. ii. p. 818.
sub ann. 1106.
Ibidem,
p. 820, 821.
Hunting. l.
vii. 217.

such fury, that they made his division give ground, as did likewise the van of the English army about the same time: but the earl of la Flesche, observing this, instantly fell with his cavalry upon the flank of the duke's division; and Robert de Belesme, who commanded that prince's rear, not coming up to support him, but flying out of the field, his troops were quickly broken, and he himself taken prisoner; as was also the earl of Morteuil; the battle having been entirely won by the charge, made with so much valour, and in so critical a moment, by the earl of la Flesche. It seems a great fault in the duke, to have left himself no cavalry to oppose that body under the earl.

Ord. Vit.
p. 810.

We are told by Ordericus Vitalis, that, just before the battle, Henry offered his brother one half of Normandy, and an equivalent for the other half, to be paid to him annually out of his English treasury; but on condition that he himself should retain all the fortresses, and the sole right of judicature, with a guardianship over the whole: which the duke, by the advice of his council, refused with indignation.

P. 156. *Henry made his imprisonment as easy to him as possible, furnishing him with an elegant table, and buffoons to divert him; pleasures which, for some years, he had preferred to all the duties of sovereign power.*

V. Malmfb.
de Hen. I. l.
iv. f. 27.

The words of William of Malmfbury are these: *Captus et ad diem mortis in libera tentus custodia, laudabili fratris pietate, quod nihil præter solitudinem passus sit mali, si solitudo dici potest, ubi et custodum diligentia, et jocorum præterea et obsoniarum non deerat frequentia.*

This absolutely contradicts the story, told by Matthew Paris, of Robert's eyes having been put
out

out by the command of his brother, while he was in confinement. Nor is it mentioned by any of the contemporary authors.

Henry of Huntingdon, in one of his works, which is written with great freedom, and wherein he seems disposed to say all the ill he can of King Henry, and to set forth the sufferings of his brother in the strongest lights, does not mention this circumstance, but only his confinement. Treating of the kings in those times, he says: "Nemo in regno eorum par eis miseriis, par sceleribus. Unde dicitur, Regia res scelus est. Rex Henricus fratrem suum et dominum Robertum *in carcerem perbennem posuit, et usque dum moriretur detinuit.*" And immediately afterwards he mentions Henry's cruelty, in causing the eyes of his grand-daughters to be put out, without telling the reason of it, as he ought to have done: *Neptium suarum oculos eruit fecit.* We may therefore conclude, that, if the same cruelty had been practised against Duke Robert, he would have taken notice of it at the same time. But if it be objected, that this book was written before the death of King Henry, and that this barbarity might be concealed while he was alive; I answer, that none of those who wrote under Stephen, or Henry the Second, say any thing of it. Brompton's Chronicle, which is carried down to the death of Richard the First, in drawing the character of Henry the First, says, *he was charged with cruelty*, and gives these instances of it: "Secundo, Robertum fratrem suum *in carcere mori permisit*, et consulem de Moretoyil, cognatum suum *in captione positum crudeliter exoculavit*; nec sciri tam horrendum facinus potuit, *quousque regis aperuit mors secreta*: Et alia fecit etiam facinora quæ tacemus." Now, if the king's death, which (as we are told by this author) discovered the secret of his

V. H. Hunting.
Epist. ad Wal-
ter. de mundi
contemptu, in
Anglia sacra,
t. ii. p. 699.

his having put out the eyes of his prisoner the earl of Morteuil, had also discovered that his brother had been treated by him in the same manner, it would naturally have been taken notice of in this place, where mention is made of Robert's dying in prison.

P. 196. *Many of the principal nobles of France were made prisoners; and Louis himself, with great difficulty, escaped the same fate, &c.*

See Ord. Vit.
P. 44, § 55.
lib. xii.

Ordericus Vitalis, in his account of this action, differs from other historians who wrote in that age. From what he says one should believe, that Louis le Gros was not in the battle, but saw it at a distance, and fled even before his main body was broken. This does not agree with the character of that king, who was remarkably brave; and, as this author himself tells us that he was *unborfed*, it is probable he was in the action, and did not turn his back till his whole army was routed, upon the English infantry coming up. Thus the affair is related by the English historians, and their narrative is confirmed by the short account which Abbot Suger has given of this battle in his Life of Louis le Gros, which being of the greatest authority, I have adhered to it as far as it goes.

P. 197. *The greatest difficulty of the treaty consisted in this, that Henry had disputed the nature of the homage which the dukes of Normandy owed to the French crown; and had very publicly declared, that he never would pay it in the manner required, though both his father and William Rufus had submitted to it without any apparent reluctance.*

It is not very clear upon what this dispute was founded. Some writers have supposed that Henry's
re-

refusal arose from no other cause, than an apprehension that he should debase the dignity of his person, as king of England, by doing homage as duke of Normandy. But his father and brother were kings of England, as well as he, and had not the same scruple. Lord Hale observes, in his History of the Pleas of the Crown, "that the king of England had a double capacity, one as an absolute prince that owed no subjection to the crown of France, nor to any other king or state in the world; and in this capacity he neither did nor could do homage to the king of France. He had another capacity, as duke of Aquitaine; and in that he owed a *feudal*, but not *personal* subjection to the king of France: and in this latter capacity only, and as a different person from himself as king of England, he did the homage." This distinction made by his lordship is applicable to our kings, as dukes of Normandy, no less than as dukes of Aquitaine: but he adds, "that the homage they did in the latter capacity was not *lige* homage, but a bare *feudal* homage; which I the rather mention (says he) to rectify the mistakes of those that call it a *lige* homage." If I may presume to differ from so great authority, it was both *lige* homage and *feudal* homage. It was *lige* homage, because it was done to the king of France as supreme lord of that realm, without any reserve or exception; and it was *feudal* homage, because it was done on account of a fief. But it was not done by the kings of England as *kings*; for *as such* they certainly owed no allegiance to France; but as dukes of Normandy or of Aquitaine, or earls of Anjou, &c. And the same distinction now holds between the king of England *as such*, and as elector of Hanover. As king of England he cannot be a vassal of the emperor, but

as

as a prince of the empire he is; and there are other examples of crowned heads that are feudatories, and do homage to foreign princes, with respect to their fiefs, without any prejudice to their sovereignty, or to the dignity of their crowns. Nevertheless, it is possible that King Henry the First might deny his homage to be *lige*, on the same grounds as Lord Hale proceeds in the passage above-cited. But I think he had a further reason. For we are told by Dudo dean of St. Quintin, and William de Jumieges, that Rollo, the first duke of Normandy, when he did homage for that duchy to Charles the Simple, was with difficulty brought to put his hands between those of the king, and absolutely refused to kneel to him, or kiss his feet; which last it seems was then part of the ceremony of homage. This might, perhaps, be the foundation of Henry's refusal to do his homage to the king of France in the usual form, as well as a delicacy with regard to his royal dignity; and he might make his son perform the ceremony, instead of himself, when he found that his plea from that precedent would not be admitted; both to secure more effectually the independence of his crown from any of these constructions, and to save his honor from suffering by a breach of the declarations he had publicly made.

P. 198. *The prince got into the long-boat, and might have been saved, as the weather was calm: but, moved with the sad cries of the countess of Perche, his natural sister, imploring him to take her into the boat, he commanded it to be rowed back again to the ship; when so many leaped into it, that it immediately sunk.*

In this account I have followed William of Malmesbury, who, being admitted to an intimacy with

P. 83. D. 84. H.
See also Ge-
mitic. c. 17.

with Robert earl of Gloucester, was probably better informed of the circumstances that attended the death of the brother of that earl, than other historians. But Ordericus Vitalis and Simeon of Durham take no notice of this particular, and speak as if the ship had instantly sunk after running on the rock. Ordericus adds some circumstances, which it may not be improper to mention here. He says, that a Norman, named Fitz-Stephen, came to the king, and claimed a right of carrying him over in his vessel, called *The white ship*; because his father had carried over William the Conqueror, when he went against Harold. That the king said, he had taken another ship for himself, but allowed him to carry the prince, his son. That this man, by whose carelessness the shipwreck happened, rose out of the water after he had sunk, and, recovering his senses, asked the two persons, who by climbing up the mast had kept their heads above water, what was become of the prince. Being told that he was lost, and all who were with him, he said, "*It would be misery for me to live.*" and, abandoning all care of himself, was drowned.—There is some improbability in his holding this conversation, if he could not swim; and, if he could, how happened it, that he sunk at first? A contemporary author says, that in this shipwreck, there perished eighteen ladies allied by blood or marriage to princes and kings. He likewise adds, that the king's treasure, by which I suppose he chiefly means his plate and royal jewels, and all that was in the ship except the men and women, were got out of the wreck; but, though many divers were employed to search for the bodies, a few only were found, being driven ashore by the waves, after several days, and far from the place where the ship had struck. Among these was the
earl

earl of Chester, who was known by his cloaths. Mr. Carte says, that the rock is called *La Catteraze*.

P. 200. *The prince had been always dutiful; and, if we may judge of his nature from the act of humanity which cost him his life, or from what is said of him by William of Malmshury and Ordericus Vitalis, it was amiable and hopeful in all respects.*

Brompton, in his Chronicle, and Knighton after him, report of this prince, that he was so brutal and indiscreet, as to say, that, *if ever he reigned over the English, he would make them draw the plow like oxen.* Brompton quotes for it William of Malmshury; but no such passage is to be found in his works; and it is very improbable, that a prince, born of an English princess, and bred up by a father who, in words at least, always caressed them, should declare such an injurious contempt of that nation. No contemporary author says any thing of it; and, upon the whole, it deserves no credit. H. of Huntingdon, and some others after him, accuse the same prince, from common report, of having been guilty of an unnatural vice; but neither is this very credible, considering that when he died he was but seventeen years old, and had been educated (as Malmshury affirms) with great care. Perhaps Henry of Huntingdon's words should be understood, rather of the young nobility who were with him, than of himself.

See Malmsh.
f. 93. de H. I.
See Huntingd.
l. vii. f. 218.
c. 10.

NOTES

ON THE

FIRST BOOK

OF THE

History of the Life of King HENRY
the Second.

PAGE 233. *She reigned but a year, and Matthew of Westminster says, she was expelled with disdain by the Nobles, who would not fight under a woman.*

The words in the original are: "Anno Gratie
" 672. rex occidentalium Saxonum Kiniwalcus,
" cum regnasset xxxi annis, defunctus est, et reg-
" navit pro eo uxor ejus Sexburga anno uno. Sed
" indignantibus regni magnatibus expulsa est a regno,
" nolentibus sub sexu femineo militare." The last
words declare the reason why the nobles disdained
to submit to her government, viz. because they
would not fight, or make war, under a woman. v. Chron.
And that Matthew of Westminster was not the Saxon. p. 41.
inventor of this story, but took it out of some
Saxon chronicle, can hardly be doubted. That
published by Dr. Gibson (which is the only one we
have) is more short on this subject. "Hoc anno

VOL. I.

G g

" de-

BOOK. I. "decessit Cenwallus rex, et Sexburga ejus uxor uno
 "anno regnum tenuit post eum." These words do
 "not inform us how it happened that Sexburga reigned
 only one year; yet they rather corroborate, than
 contradict Matthew of Westminster's account, as
 they make no mention of her decease, or voluntary
 Malmsh. 1. i. abdication. But William of Malmshbury contra-
 f. 6. dicts it. His words are these: "Kenwalchius post
 "xxx annos moriens, regni arbitrium uxori Sex-
 "burgæ delegandum putavit; nec deerat mulieri
 "spiritus ad obeunda regni munia: ipsa novos ex-
 "ercitus moliri, veteres tenere in officio; ipsa sub-
 "jectos clementer moderari, hostibus minaciter
 "insumere, prorsus omnia facere, ut nihil præter
 "sexum discerneres: veruntamen plusquam ani-
 "mos fœmineos anhelantem vita destituit vix annua
 "potestate perfunctam." From this account one
 would conclude, that she lost her sovereignty only
 by a natural death. But this author may have
 avoided to publish a fact, which was so unfavora-
 ble to the cause of the empress Matilda, in a book
 which he dedicated to her brother, the earl of Glo-
 ceſter. Whereas Matthew of Westminster, who
 published his history long after her death, when
 there was no question about a female ſucceſſion,
 had no reasons to diſguiſe the truth of this matter.
 I therefore have followed him, as a better authori-
 ty than William of Malmshbury, with regard to this
 point; eſpecially as his account appears more con-
 formable to the character of the Saxons and ſpirit
 of the times. Sexburga probably was (as William
 of Malmshbury has deſcribed her) of a maſculine
 character; on which account the king her huſband
 might think her not unqualified to ſucceed to his
 crown, and might give her his nomination: but yet
 the nobles might diſdain to ſubmit to her govern-
 ment, and expel her from the throne. Be this fact

as it may, the precedent of a woman governing only one year, in one kingdom of the heptarchy, was not enough to establish a right of female succession in the whole realm of England. Not long after her decease, Brithiek, king of Wessex, having been poisoned by his wife, the West Saxons made a law, to prohibit the wives of all their future kings from taking the title of queen, or sitting on thrones with their husbands. It was further enacted, that, if any king of Wessex should dispense with this law, he should be, *ipso facto*, deprived of his right to the crown. But, after the dissolution of the heptarchy, this vindictive and singular ordinance was not observed, being thought by the nation, as well as by their princes, to savour of barbarism, and to have proceeded from anger, not reason. Yet the temper of a people, among whom such a law had at any time been in force, cannot be supposed to have been easily reconcileable to the sovereignty of a woman. In the reign of Edward the Elder, his sister Elfreda governed the Mercians after the death of her husband, and is called their *queen* by some writers. But that title did not belong to her with any propriety: for Mercia was not then a separate kingdom, but a province of the crown of England; and Ethelred, husband to Elfreda, was styled *subregulus* Merciorum, which Selden affirms to be the same with *Ealdorman*, the Saxon word for an *Earl*. Certain it is, that Elfreda held Mercia as a gift from King Alfred, not by right of succession, nor by election. And therefore no argument can be drawn from this instance to prove, that, before the settlement made on the empress Matilda, the custom of England admitted women to succeed to the crown. We can only discover from it, that the idea of an incapacity in women to govern was then wearing off; and that it was thought they might be trusted with the

BOOK I. government of a province, which prepared the way for their advancement to sovereign power in later times.

P. 234. *Nor had the Normans any example of the sovereignty among them being vested in a woman from the foundation of their dukedom in France, or in the kingdoms of Denmark and Norway from whence they came, &c.*

This is undeniably true, as far back as we have any authentick account of those kingdoms. Indeed, in the fabulous parts of their history, mention is made of one Heta, a *heroine*, who, about the year of our Lord 326, commanded an army of *Amazons*, and, by her prowess, was raised to the throne of Denmark; but even she is said to have been *deposed* by her subjects *on account of her sex*, and because she refused to marry, and give them a king; which, though the whole story be a fiction, sufficiently shews the opinion of the writer upon the national custom and temper of the people.

P. 237. *In order to get over this difficulty, Stephen prevailed upon Hugh Bigot, earl of Norfolk, to swear before the archbishop of Canterbury, that Henry had, in his presence, released his subjects from those oaths.*

See Gervase, I have taken the account I give of this oath from Gervase of Canterbury, who does not mention sub ann. 1135. p. 1340. the name of the nobleman; but that is supplied by Huntingdon, Henry of Huntingdon, Hoveden, and Diceto. Those f. 224. l. viii. authors indeed go further; and tell us, that Hugh Hoveden, f. 277. par. I. Bigot swore, Henry had *disinherited his daughter, and bequeathed his kingdom to Stephen*. But we have Diceto Abb. an undoubted assurance, that Stephen himself did Chron. p. 505. not pretend to any such bequest: for he makes no mention of it, in the preamble to his charter, among

among the titles he had to the crown; which are there set forth in full form, viz. his election by the clergy and people, his consecration by the archbishop of Canterbury, and the confirmation of his right by the pope. He most certainly would have added his *nomination by Henry*, if there had been a colour for it. I think it therefore much more probable, that Hugh Bigot's oath was only such as Gervase relates. And this is confirmed by the anonymous contemporary author of the history of that prince, entitled, *Gesta Stephani regis*. Partial as that writer was to him, he would not say more, to help out his title, than what is mentioned by Gervase. His words are these, speaking of Henry:

“ Utque patenter agnosceremus, quod ei in vitâ,
 “ certâ de causâ, complacuit, post mortem ut fixum
 “ foret displicuisse, supremo eum agitante mortis
 “ periculo, cum et plurimi astarent, et veram suo-
 “ rum erratum confessionem audirent, de jureju-
 “ rando violenter baronibus suis injuncto apertissime
 “ poenituit.” We may then take it for granted, that the testimony given by Hugh Bigot extended no further; and even this did not, I think, deserve any credit. For there is no evidence in all our history of the least *violence* used in that affair by King Henry: and the contrary testimony of William of Malmesbury, that he did, on his death-bed, *confirm* the succession of his daughter and grandson to all his dominions, is of great weight. Probability too is entirely on that side. It cannot be conceived, that so prudent a prince should have so weakly defeated a settlement he had taken such pains to secure. Whatever quarrel he had with his son-in-law, he had none with his daughter, nor with prince Henry her son. Gemiticensis indeed says, that Matilda was a little out of humour, and displeased with her father, *aliquantulum commota*, because he

See Gest.
Steph. Reg.
p. 229.

See Gemitic.
c. 24.

BOOK I. would not, at her request, pardon one of his barons, whom he suspected of plotting against him, in confederacy with her husband; and that, on this account, she left Normandy, and went into Anjou, just before his last illness. But this (admitting the truth of it) could not have incensed him so much, as to make him disinherir both her and his grandson.

P. 243. *This he not only ratified by an extraordinary oath, which he took at his coronation; and by a general charter, confirming that of King Henry the First and the laws of Edward the Confessor; but, some time afterwards, by another, given at Oxford, in which all the particulars of his oath were set down.*

Henry of Huntingdon, whose words are copied by Hoveden, writes thus: "Inde porrexit rex
 "Stephanu apud Oxinforde, ubi recordatas est et
 "confirmavit pacta, quæ Deo et populo et sanctæ
 "ecclesiæ concefferat in die coronationis suæ, quæ
 "sunt hæc: Primo vovit, quod, defunctis episco-
 "pis, nunquam retineret ecclesias in manu suâ, sed
 "statim electioni canonicæ consentiens episcopis
 "eas investiret. Secundo vovit, quod nullius
 "clerici vel laici sylvas in manu suâ retineret, sicut
 "rex Henricus fecerat, qui singulis annis impla-
 "citaverat eos, si vel venationem cepissent in sylvis
 "propriis, vel si eas ad necessitates suas extirparent
 "vel diminuerent. Tertio vovit, quod Danegel-
 "dum (id est) duos solidos ad hidam, quos ante-
 "cessores sui accipere solebant singulis annis, in
 "æternum condonaret." The two first articles
 here set down, are not as they stand in the charter
 of Stephen, but are only a comment upon them,
 and not very accurate, as will appear by comparing
 them with the words of the charter. And there is
 not, in the charter, the least mention made of the
 third

third article relating to Danegeld. Nor had that BOOK I.
 tax been fixed by Stephen's ancestors, as the histo- See Madox's
 rian supposes, at two shillings for a hide of land, or Hist. of the
 paid every year, but had been differently assessed, and Exchequer.
 occasionally levied, upon some alarm of an enemy's
 invading the kingdom.

The clause in Stephen's charter, relating to forests, requires some observation: "Forestas, quas
 "Williclmus rex, avus meus, et Williclmus se-
 "cundus, avunculus meus, instituerant et tenue-
 "runt, mihi reservo. Cæteras omnes, quas Hen-
 "ricus rex superaddidit, ecclesiis et regno quietas
 "reddo et concedo." By this it appears, that
 Henry the First had made some additions to the
 forests of the crown. And there is a clause to the
 same effect in the *Charta de forestis*, obtained from
 King John. "Inprimis, omnes forestæ, quas rex
 "Henricus, avus noster," (N. B. *avus* here means
 great grandfather) "afforestavit, videantur per pro-
 "bos et legales homines; et si boscum aliquem
 "alium quam suum dominicum afforestaverit ad
 "damnum illius, cuius boscus fuerit, statim deas-
 "forestetur."

From the words of this clause we find, that king
 Henry the First had enlarged his forests two ways,
 by taking into them some woods of his own royal
 demesne, and by *afforesting* some of those of the gen-
 ttry or clergy that bordered upon them. The first
 he might lawfully do, but the other was iniquitous,
 and contrary to the charter he had given himself.
 Yet it is probable, that he did not intend to en-
 croach on his subjects, but was deceived by false
 accounts of the bounds of his forests, from the of-
 ficers appointed over them; in consequence of which
 he often prosecuted the owners of woods supposed to
 lie within the precincts of them, if they presumed

BOOK I.

either to hunt in them, or cut them down. And in this sense I understand Henry of Huntingdon's words; *Sicut rex Henricus fecerat, qui singulis annis implacitaverat eos, si vel venationem cepissent in sylvis propriis, vel si eas ad necessitates suas extirparent, vel diminuerint.* It cannot be supposed that he claimed all the woods in the kingdom, or the sole right of hunting, as Ordericus Vitalis pretends. Had he done so, it would have been certainly demanded of Stephen, and afterwards of king John, not only to restore by their charters the woods belonging to their subjects, which had been injuriously added by him to his forests; but also to renounce the pretension he had set up to all the woods and game in the kingdom.

As for those who had really woods *within* the king's forests, it is declared, by the third article of the Charta de forestis, that they were not to grub up, diminish, or waste them, without licence from him; though, by the same article, an amnesty is granted for all faults of that kind, from the first year of Henry I. to the second of king John. I therefore suppose, that the words of Henry of Huntingdon, mentioned above, are not to be understood as relating to these, but only to the borderers; though they might seem to belong to both.

P. 257. *Which grant Stephen now confirmed, and added to it Carlisle, &c.*

As Carlisle was a royal city and the chief town of Cumberland, it may be thought that the grant of it included the county; but of this I find no clear proof. This province had long been inhabited by a remnant of the Britons, who, like the Welsh their countrymen, called themselves Cumri, or Kumbri, and maintained themselves there against the Scots, the Picts, and the Saxons. Yet it seems
that

See Camden,
CUMBER-
LAND.
Chron.
Sax. p. 72.
sub ann. 828.

that they were subdued by the latter under Egbert, ^{B. O. O. K. I.} but they afterwards recovered their liberty, and were governed by princes of their own, to whom they gave the title of Kings, till the year 945, when Edmond, the brother of Athelstan, wasted their land, and granted it to Malcolm king of Scotland, *ea conditione* (says the Saxon Chronicle) *ut sibi esset* ^{Chron. Sax. p. 115. sub ann. 945.} *commilito tum mari, tum terrâ.* Matthew of West-^{Matt. Paris, 188. sub ann. 496.}minster says, “Cumbriam totam cunctis opibus”
 “spoliavit, ac duobus filiis Dummali, ejusdem
 “provinciæ regis, oculorum luce privatis, *regnum*
 “*illud Malcolm, Scotarum regi, de se tenendum con-*
 “*cessit, ut æquilonares Angliæ partes, terrâ marique,*
 “*ab hostium adventantium incursione tueretur.*”
 “Whereupon (says Mr. Camden) the eldest sons of ^{See Camden, CUMBER-}
 “the kings of Scotland were for a while, under the ^{LAND, p. 787.}
 “English Saxons and Danes both, called the
 “Præfects, or Deputy-rulers, of Cumberland.”
 But, for some time before the Conquest, it seems to have been under no regular government either of the English or Scotch. William the Conqueror gave it to Ranulph de Meschines; and Dugdale ^{See Dugd. Baronage, p. 36.} mentions a record, which styles him Earl of Cum-
 berland. He began to rebuild Carlisle, which the Danes had destroyed, and is called, by Matthew ^{EARL OF CHESTER.} of Westminster, Earl of Carlisle. But afterwards ^{Ibidem, p. 37.}
 William took that city to himself, and also retained in his own hands the earldom of Cumberland; in-
 stead of which he gave the earldom of Chester to Ranulph de Meschines, who agreed to the exchange on condition, that those he had enfeoffed with lands in Cumberland should hold them in chief of the king. William Rufus completed the rebuilding ^{See Camden, p. 779.} of Carlisle, and it was raised by Henry the First to ^{CUMBER-}
 an episcopal dignity; but it does not appear, that the kings or princes of Scotland laid any claim to that city, or to the earldom, from the reign of
 William

BOOK I. William the First till that of Stephen. Richard and John of Hexham say, that Stephen gave Doncaster also to Henry, prince of Scotland. But Henry of Huntingdon names only Carlisle. And it does not appear, that either the king or prince of Scotland had any pretension to Doncaster. It was no part of earl Waltheoff's inheritance, nor of his wife's, as far as I can discover. It had never been held by any other Scotch king, nor was it conquered by David during this war; for he advanced no farther than to Durham. I have therefore followed Henry of Huntingdon, an author who lived in these times, rather than the two abovementioned historians, with regard to this point.

P. 260. *This alarm of a storm gathering against him in Scotland brought back that prince, with no small anxiety and disturbance of mind, &c.*

Ord. Vital.
l. xiii. p. 912.

There is another reason for Stephen's return assigned by Ordericus Vitalis. According to him, a plot was formed, in the king's absence, by many of the English, strictly so called, to massacre all the Normans in England, upon a certain appointed day, as the Danes had been formerly massacred; and to deliver the kingdom to David, king of Scotland, who (as I before have observed) was nearer, in a lineal course of succession, to the Saxon royal family, than Stephen's queen, or the empress. The same historian relates, that it was discovered, by some of the accomplices, to the bishop of Ely, and by him to the rest of the nobles; upon which (as he tells us) many of the conspirators were convicted, and punished by different kinds of death; others, concerned in it, fled out of the realm, *leaving their honors and riches behind*; but the most powerful took up arms, and entered into confederacy with the Scotch or the Welsh. From these words

words it is plain, if any regard is to be paid to this passage, that some of the English had *wealth*, and *honors*, and *power*, at this time. But, though Ordericus Vitalis was a contemporary writer, and of good credit in general, yet, as no other ancient author mentions this plot, I think the truth of it is much to be questioned; especially as that author is not always so accurate in the account he gives of transactions in England, as in relating those that happened in France or Normandy, where he resided. It does not appear, even from the story he tells, that the king of Scotland himself was privy to this design. Nor does it seem at all probable, that, without any encouragement given by him, a general massacre of the Normans in England should be then designed by the English, when, by intermarriages between the two nations continually made, even from the accession of William the Conqueror, their blood was so mixed, and so many families in all parts of England were the offspring of both. The city of London, where the greatest strength of the English then lay, was well-affected to Stephen, and continued to be so till his death. Upon the whole therefore I conjecture, that, if any of them were executed for a conspiracy, while the king was abroad, as Ordericus Vitalis relates, it was not for a general one against all the Normans, but for a more confined one, of private resentment and revenge against some of those to whom he had confided the administration of government during his absence, particularly in the Northern and Western parts of the kingdom, where the conspirators might be favored by the Scotch and the Welsh.

BOOK I P. 270: But Stephen, suspecting him of holding a treasonable correspondence with David, had, at his return out of Scotland, arrested him in his own court, and, without any proof of his guilt or form of a trial, compelled him to surrender his castle of Bamburg.

That these arbitrary imprisonments, without process of law, were against the custom of England, even in those days, and that in this respect Magna Charta did no more than confirm the ancient law, will appear from the following passage in Ethelred, abbot of Rivaux, a contemporary historian: "Con-
 junxerat se ei (regi Scotiæ) ejusque interfuit aciei
 Eustacius filius Johannis, de magnis proceribus
 Angliæ, regi quondam Henrico familiarissimus,
 vir summæ prudentiæ, et in secularibus negotiis
 magni consilii, qui a rege Anglorum ideo recesserat,
 quod ab eo in curiâ contra patrium morem
 captus, castra, quæ ei rex Henricus commiserat,
 reddere compulsus est: ob quam causam offensus,
 ut illatam sibi ulcisceretur injuriam, ad hostes ejus sese contulerat." According to other writers, instead of *castra quæ ei rex Henricus commiserat*, it should have been *castrum, quod*, &c. namely, the castle of Bamburg: but what I cite this passage for is to prove, that his imprisonment was *contra patrium morem*, and therefore considered as an offence and injury done to him, which even dissolved his allegiance.

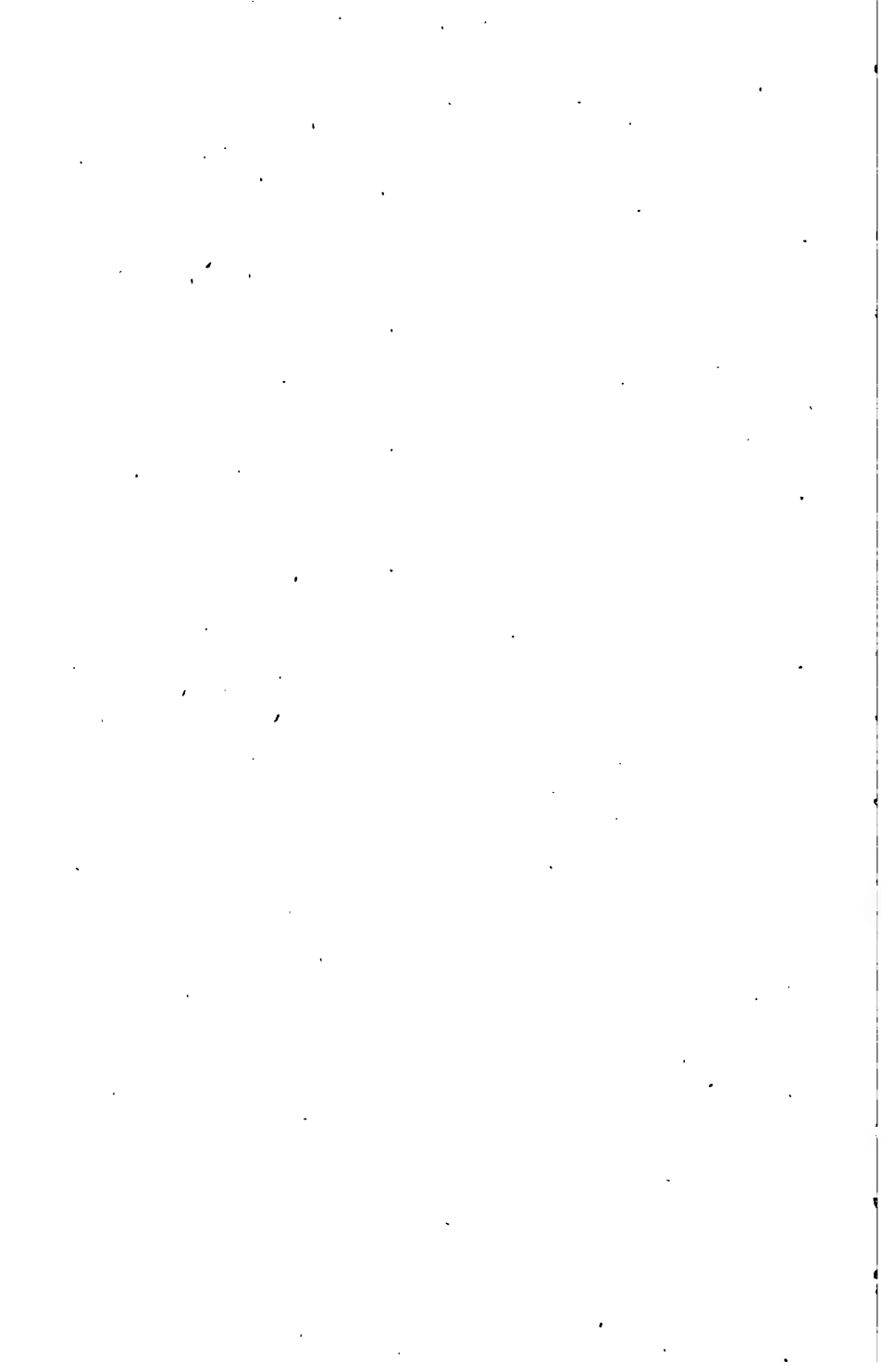
P. 302. Swearing to the first, that he should remain without food, till his nephew, the bishop of Ely, surrendered the castle, &c.

William of Malmstury and Gervase of Canterbury say, that the bishop of Salisbury, having no other means to conquer the obstinacy of the bishop of Ely, and save his son's life, refused to take any nourish-

nourishment for three days together, by which he BOOK I.
at last obliged his nephew to give up the castle :
but the other contemporary authors affirm, with
much more probability, that he did not inflict this
abstinence on himself by a voluntary act, but was
compelled to it by Stephen, who also took the same
method with the bishop of Lincoln.

P. 317. *A secret application was therefore made to her
by the earl of Gloucester and Matilda, to receive
them into that castle, &c.*

The Norman chronicle says, they were invited
by her husband ; but, as none of the other con-
temporary historians make any mention of him in this
business, and he appears to have lived in peace and
friendship with Stephen for some time afterwards,
I rather suppose that he was absent, and had no
participation of the intrigue.



A P P E N D I X

T O T H E

F I R S T B O O K.

N^o I.

BOOK I.

Account of the Fleet which came over with the Conqueror, from an ancient MS. in the Museum.

This refers to
vol. i. p. 20.

WILLELMUS Dux Normannorum veniens in Angliam, ob acquirendum regnum jure sibi debitum, habuit a Willelmo dapifero, filio Osberni, sexaginta Naves. Ab Hugone postea Comite de Cestria totidem. Ab Hugone de Monfort quinquaginta Naves, et sexaginta Milites. A Romo vel Rumi elemosinario Fescanni, postea Episcopo Lincolnensi, unam Navem cum xx Militibus. A Nicholao Abbate de Sancto Audoeno xv Naves cum c Militibus. A Roberto Comite Augi sexaginta Naves. A Fulcone claudo xl Naves. A Geroldo dapifero totidem. A Will. Comite d'Evereux octoginta Naves. A Rogero de Montgomeri sexaginta Naves. A Rogero de Baumunt lx Naves. Ab Odone Episcopo de Baios c Naves. A Roberto de Morotein c & xx. A Waltero Giffardo xxx cum c Militibus. Extra has Naves, quæ computatæ simul m efficiunt, habuit Dux a quibusdam suis Hominibus, secundum possibilitatem unius cujusque, multas alias Naves. Matildis postea Regina, ejusdem

BOOK I.

dem Ducis Uxor, ad honorem Ducis fecit effici Navem quæ vocabatur *Mora*, in qua ipse Dux vectus est. In prorâ ejusdem Navis fecit fieri eadem Matildis infantulum de auro, dextro indice monstrantem Angliam, et sinistra manu imprimentem cornu eburneum Ori. Pro quo factò Dux concessit eidem Matildi Comitatum Cantiaë.

N. B. There are some few errors in this manuscript with regard to the proper names, and the division of the sentences; which being very evident, I have ventured to correct them, and I have also printed the words without those abridgements which most of my readers would find troublesome. I presume that, by the words *pro quo factò Dux concessit eidem Matildi Comitatum Cantiaë*, the writer means, that he assigned her lands in Kent for her dower; the country being, we know, given by him to his brother, Odo bishop of Bayeux.

This refers to
vol. i. p. 59.

N^o II.

Transcribed from Wilkins and the Red Book of the Exchequer.

Carta Regis Willielmi Conquistoris de quibusdam statutis.

WILLIELMUS Rex Anglorum, Dux Normannorum, omnibus hominibus suis Francis & Anglis, Salutem.

51. *De Religione et Pace publica.*

Statuimus imprimis super omnia, unum Deum per totum regnum nostrum venerari, unam fidem Christi

Christi semper inviolatam custodiri, pacem, et securitatem, et concordiam, judicium et justitiam inter Anglos et Normannos, Francos et Britones Walliæ et Cornubiæ, Pictos et Scotos Albaniam, similiter inter Francos et Insulanos, Provincias et Patrias quæ pertinent ad coronam et dignitatem, defensionem et observationem et honorem regni nostri, et inter omnes nobis subjectos per universam Monarchiam regni Britanniam firmiter, et inviolabiliter observari. Ita quod nullus alii forisfaciat in ullo super forisfacturam nostram plenam.

N. B. This law puts all the subjects of William the Conqueror on an equal footing.

52. *De fide et obsequio erga Regem.*

Statuimus etiam ut omnes liberi homines fœdere et sacramento affirmant, quod intra et extra universum regnum Angliæ (quod olim vocabatur regnum Britanniam) Willielmo Regi Domino suo fideles esse volunt, terras et honores illius omni fidelitate ubique servare cum eo, et contra inimicos et alienigenas defendere.

N. B. See what is said of this law in the latter part of the third volume, concerning the militia of the Normans.

55. *De Clientelari seu Feudorum jure et ingenuorum immunitate.*

Volumus etiam, ac firmiter præcipimus et concedimus, ut omnes liberi homines totius Monarchiæ regni nostri prædicti, habeant et teneant terras suas, et possessiones suas bene, et in pace, libere ab omni exactione injusta, et ab omni tallagio, ita quod nihil ab eis exigatur vel capiatur, nisi servitium suum liberum, quod de jure nobis facere debent, et facere teneantur; et prout statutum est eis, et illis a nobis datum et concessum jure hæreditario in perpetuum per commune consilium totius regni nostri prædicti.

BOOK I.

N. B. See what is said of this statute p. 62. of this volume, and likewise in the latter part of the third volume, concerning the royal revenues. I will only add here, that it seems to refer to a former statute of the same king, which is now lost.

56. *De nocturnis custodiis.*

Statuimus etiam et firmiter præcipimus, ut omnes Civitates, et Burgi, et Castella, et Hundreda, et Wapentachia totius regni nostri prædicti singulis noctibus vigilantur, et custodiantur in girum, pro maleficis et inimicis, prout Vicecomites, et Aldermanni, et Præpositi, et cæteri Ballivi, et Ministri nostri, melius per commune consilium ad utilitatem regni providebunt.

57. *De Mensuris et Ponderibus.*

Et quod habeant per universum regnum mensuras fidelissimas et signatas, et pondera fidelissima et signata, sicut boni Prædecessores statuerunt.

N. B. This useful statute was a confirmation of many others more ancient, and was confirmed in many succeeding reigns, but never, I believe, duly executed.

58. *De Clientum, seu Vassalorum, præstationibus.*

Statuimus etiam et firmiter præcipimus, ut omnes Comites, et Barones, et Milites, et servientes, et universi liberi homines totius regni nostri prædicti, habeant et teneant se semper bene in armis, et in equis, ut decet et oportet, et quod sint semper prompti et bene parati ad servitium suum integrum nobis explendum et peragendum, cum semper opus adfuerit, secundum quod nobis debent de feodis et tenementis suis de jure facere, et sicut illis statuimus per commune consilium totius regni nostri prædicti, et illis dedimus et concessimus in feodo jure hæreditario. Hoc præceptum non sit violatum ullo modo super forisfacturam nostram plenam.

N. B.

N. B. See what is said of this law in the latter BOOK I
part of the third volume, concerning the militia
of the Normans.

59. *Ut jura regia illasa servare pro viribus conentur
subditi.*

Statuimus etiam et firmiter præcipimus, ut omnes liberi homines totius regni nostri prædicti sint fratres conjurati ad Monarchiam nostram et ad regnum nostrum pro viribus suis ac facultatibus contra inimicos pro posse suo defendendum, et viriliter servandum, et pacem et dignitatem Coronæ nostræ integram observandam, et ad judicium rectum, et justitiam constanter omnibus modis pro posse suo sine dolo et sine dilatione faciendam. Hoc decretum sancitum est in civitate London.

N. B. This was agreeable to the ancient Saxon laws, which bound all freemen to the defence of the king and kingdom. The last sentence shews, that these laws were made in different places and at different times.

60. *Ne venditio et emptio fiat nisi coram testibus et in civitatibus.*

Interdicimus etiam, ut nulla viva pecunia vendatur aut ematur, nisi intra civitates, et hoc ante tres fideles testes, nec aliquam rem vetitam sine fidejussore et warranto. Quod si aliter fecerit, solvat et persolvat, et postea forisfacturam.

61. *De emporiis, et jure urbium pagorumque notæ
melioris.*

Item nullum mercatum vel forum sit, nec fieri permittatur, nisi in civitatibus regni nostri, et in burgis, et muro vallatis, et in castellis, et in locis tutissimis, ubi consuetudines regni nostri, et jus nostrum commune et dignitates coronæ nostræ, quæ constitutæ sunt a bonis Prædecessoribus nostris deperiri non possint, nec defraudari, nec violari, sed omnia rite et in aperto, et per judicium et justitiam

tiam fieri debent. Et ideo castella, et burgi, et civitates, sitæ sunt et fundatæ et ædificatæ; scilicet, ad tuitionem gentium et populorum regni, et ad defensionem regni, et idcirco observari debent cum omni libertate, et integritate, et ratione.

63. *Firmantur Leges Edwardi Regis.*

Hoc quoque præcipimus ut omnes habeant et teneant leges Edwardi Regis in omnibus rebus, adauctis hiis quas constituimus ad utilitatem Anglorum.

N. B. This law may be called *a new charter to the English*, confirming to them all their ancient laws, with such additions or alterations only as had been made in them by William to their advantage. It also extended to the Normans here the benefit of the English laws, so far as they were not altered by the new constitutions made by their prince with their concurrence. For the word *constituimus* implies a parliamentary act.

64. *De justitiæ publicæ fidejussoribus.*

Omnis homo qui voluerit se teneri pro libero, sit in plegio, ut plegius eum habeat ad justitiam si quid offenderit, et quisquam evaserit, talium videant plegii ut solvant quod calumniatum est, et purgent se, quia in evaso nullam fraudem noverint. Requiritur hundredus, et comitatus (sicut antecessores statuerunt) et qui juste venire debent et noluerint, summoveantur semel, et si secundo non venerint, accipiat unus bos; et si tertio, alius bos; et si quarto, reddatur de rebus hujus hominis quod calumniatum est, quod dicitur ceapgyld, et in super Regis factura:

65. *De servis et eorum manumissione.*

Et prohibemus ut nullus vendat hominem extra patriam: si qui vero velit servum suum liberum facere, tradat eum Vicecomiti per manum dextram in

in pleno comitatu, quietum illum clamare debet a BOOK I.
 jugo servitutis suæ per manumissionem, et ostendat
 ei liberas vias, et portas, et tradat illi libera arma,
 scilicet, lanceam, et gladium; deinde liber homo
 efficitur.

66. *De Servis.*

Item, si Servi permanserint sine calumnia per annum et diem in Civitatibus nostris, vel in Burgis Muro vallatis vel in Castris nostris, a die illa liberi efficiuntur, et liberi a jugo servitutis suæ sint in perpetuum.

N. B. See what is said of these three laws in the latter part of the third volume.

Carta Willielmi.

This refers to
 vol. i. p. 60.

W. Gratia Dei Rex Angliæ Comitibus, Vicecomitibus, et omnibus Francigenis et Anglis qui in Episcopatu Remegii Episcopi terras habent, salutem. Sciatis vos omnes et cæteri mei fideles, qui in Anglia manent, quod Episcopales Leges, quæ non bene, nec secundum sanctorum Canonum Præcepta, usque ad mea tempora in regno Anglorum fuerunt, communi concilio et consilio Archiepiscoporum meorum, et cæterorum Episcoporum et Abbatum, et omnium Principum Regni mei emendandas judicavi. Propterea mando et regia auctoritate præcipio, ut nullus Episcopus vel Archidiaconus de Legibus Episcopalibus amplius in Hundret placita teneant, nec causam quæ ad regimen animarum pertinet ad judicium secularium hominum adducant. Sed quicumque secundum Episcopales Leges de quacumque causa vel culpa interpellatus fuerit, ad locum, quem ad hoc Episcopus elegerit vel nominaverit, veniat ibique de causa sua respondeat, et non secundum Hundret, sed secundum Canones et Episcopales Leges, rectum. Deo et Episcopis

copo suo faciat. Si vero aliquis per superbiam elatus ad iustitiam Episcopalem venire noluerit, vocetur semel, secundo, et tertio; quod si nec sic ad emendationem venerit, excommunicetur, et si opus fuerit ad hoc vindicandum Fortitudo et Iustitia Regis sive Vicecomitis adhibeatur. Ille autem, qui vocatus ad Iustitiam Episcopi venire noluerit, pro unaquaque vocatione Legem Episcopalem emendabit. Hoc etiam defendo et mea auctoritate interdico, ne ullus Vicecomes aut Præpositus aut Minister Regis nec aliquis Laicus homo alium hominem sine iustitia Episcopi ad iudicium adducat. Iudicium vero in nullo loco portetur, nisi in Episcopali sede, aut in illo loco quem ad hoc Episcopus constituerit.

N. B. See what is said on this subject in p. 64. and 65. of this volume. I will only add here, that it is unfortunate that we have not those emendations of the episcopal laws in use among the Saxons, which William the First declares he had judged it proper to make with the advice and consent of his parliament, and which he sets forth as the foundation of this edict, or mandate. I can hardly suppose that his intention of making those emendations was never accomplished; it being much more probable, that we have lost the statute that made them, as well as many others, enacted during his reign.

Vid. Hist. Ingulph. Gale, Reg. Angl. Script. tom. i. p. 88.

This refers to
vol. i. p. 62,
&c.

Nº III.

BESIDES these laws above recited, there are some of a penal nature, or concerning criminal matters, to which Ingulphus, abbot of Croyland, tells us, his Lord, King William the Conqueror,

queror, had given an authentick and perpetual sanction in his whole realm of England. He delivers them to us, as that prince had enacted them, in the French or Norman language; and calls them *the laws of the most just King Edward*: but Dr. Hickes observes truly, that some of them are quite new, and others altered more or less from the Saxon or Danish laws. I shall give them, with some other penal laws of this king, in the Appendix to my third volume, where I shall exhibit a short view of the criminal law of England, from the earliest times to the death of King Henry the Second. Here I shall only insert a few in that collection, which are of a civil nature, and which I shall give in the Latin translation of them published by Wilkins, without troubling my reader with the obsolete French original. The Sixth of this Code of laws, and the first I shall give here, is concerning the Replevin of animals.

Vid. Hickes
Dissertatio,
p. 95.

P. 220, & seq.

“ Is qui averium replegiaverit, aut equos, aut boves, aut vaccas, aut porcos, aut oves (quod Forþengen Anglicè dicitur) is qui postulat dabit præposito, in toto, pro averio replegiato viii denarios, nec tamen habeat plus qui centum habet pro obolo, non dabit plusquam viii denarios, et pro porco iv denarios, et pro ove denarium unum, et pro alio unoquoque quod vivit iv denarios, nihilominus neque habebit nec dabit plusquam viii denarios, et dabit vadios, et inveniet plegios; sed, si aliquis venerit ad probationem intra annum et diem, ut averium petat, ad rectum habiturum in curiâ, eum [eo] de quo is averium replegiaverit.”

N. B. There is great obscurity both in the translation and original text of this and the following law, which I am not able to clear up. Probably it may arise from the faultiness of the copy in Ingulphus, though this is taken

APPENDIX TO THE LIFE

from the best that has been found. Mr. Tyrrel, in his translation of it into English, has omitted the part where the greatest difficulty lies. In general this law appears favorable to the subject, and calculated to prevent exactions from the people by the king's officers in the case of Replevins.

7. " Similiter de averio vaganti, et aliâ re inventâ. Ostendatur tribus partibus vicinâ, ut testimonium habeat de inventione ; si aliquis veniat ad probationem ad rem postulandam, det vadios, et inveniet plegios se, si alius quispiam postulaverit averium intra annum et diem, ad rectum exhibiturum in curiâ, id, quod invenerit."

18. " Liber homo, qui habuerit averia campestria xxx denariis æstimanda, dabit denarium S. Petri. Pro iv denariis, quos donaverit Dominus, quieti erunt bordarii ejus, et ejus *scabini*, et ejus *servientes*. *Burgensis*, qui de propriis catallis habet id quod dimidia marca æstimandum est, dare debet denarium S. Petri. Qui in Danelega est liber homo, et habet averia campestria, quæ dimidia marca in argento æstimantur, debet dare denarium S. Petri. Et per denarium, quem donaverit Dominus, erunt quieti ii qui resident in suo Dominio.

N. B. The word *scabini* here is certainly a wrong translation ; for Spelman, in his Glossary, says it means judges or assessors in the rural courts, persons too high to be ranked with *bordarii* and *servientes*. The word in the original is *bavers*, which I do not find in his Glossary : but Mr. Tyrrel translates it *villains*, and he says he was assisted by Dr. Hickes, who was skilled in the Saxon terms. Probably it was some species of under-tenants on the demesne. The law is curious, as it shews in what proportions

tions and from whom Peter-pence was then BOOK levied.

22. "De Relevio Comitum, quod ad regem pertinet, viii equi ephippiati, et frænis ornati, iv lorice, et iv galeæ, et iv scuta, et iv hastæ, et iv enses, alii cæteri iv veredi et palfredi, cum frænis et capestris."

N. B. This is agreeable to the laws of King Canute.

23. "De Relevio Baronis, iv equi cum sellis et frænis ornati, et lorice ii, et ii galeæ, et scuta ii, et ii hastæ, et ii enses, et alii cæteri ii unus veredus, et unus palfredus, cum fræno et capistro."

24. "De Relevio Vavassoris ad legitimum suum Dominum. Quietus esse debet per equum patris sui talem qualem habuerit tempore mortis suæ, et per loriceam suam, et per galeam suam, et per scutum suum, et per hastam suam, et per ensen suum; et si adeo fuerit inermis, ut nec equum habuerit nec arma, per centum solidos."

N. B. All these reliefs in horses and arms were afterwards settled to be paid in money, and not in the same proportions as they stand here between earls, barons, and tenants by knight service, or vavassors. See the latter part of the first book of the second volume, and the notes thereto.

29. "De Relevio Villani. Melius animal quod habuerit, id (sive equus sit, sive bos, sive vacca) donabit Domino suo pro relevio, et postea sint omnes villani in franco plegio."

N. B. I put this law before some that are prior to it in the collection, and will follow here, not to separate those that are on the same subject. It must be observed, that the titles prefixed to all these laws in the Latin translation of Wilkins are not in the original French,

APPENDIX TO THE LIFE

French, and are many of them faulty. For instance, the title to this is *De Servorum Relevio*. But the word *villanus* in the original signifies, not a slave, but a farmer, as is evident from the law itself, which makes him liable to a relief: whereas the slaves had no property, all they had being their master's. It also declares, that *omnes villani* shall be under *frank pledge*, which shews that these villains were freemen. See more on this subject in the latter part of the first book of the second volume.

40. "Eorum qui fundum suum tenent ad censum, fit rectum relevium tantum quantum census annuus est."

N. B. This relates to socage tenure, and continued to be the rule for the payment of reliefs from lands so held, till after the times that I write of. See Glanville, l. ix. p. 71. c. 4. See also the latter part of the first book of the second volume.

27. "Si quis vult disracionare conventionem de terra sua versus Dominum suum, per pares suos eadem tenura quos vocavit in testimonium debet illud disracionare. Nam per extraneos non potest disracionare."

28. "Qui placitat in curia, cujuscunque curia sit, excepto ubi persona Regis est, et quis eum sistat super eo quod dixerit, rem quam nolit confiteri, si non potest disracionare per ii intelligentes homines qui interfuerunt placito et videntes, quod non dixerit, recuperarit juxta verbum suum."

N. B. This law is obscure.

33. "Eos qui colunt terram non debet quis molestare, præterquam de eorum debito censu. Nec licet Domino feudi amovere cultores de terra sua, quamdiu rectum servitium suum facere possint. Na-

fivi qui discedunt à terra sua non debent cartam falsæ nativitatis quærere, ut non faciant suum rectum servitium quod spectat ad terram suam. Nativum, qui discedit à terra unde est natus et venit ad alteram, nullus retineat, nec eum, nec catalla ejus; sed redire cogatur, ut faciat servitium suum tale quod ad eum spectat: si Domini non faciunt alterius colonum venire ad terram suam, justitia id faciat."

N. B. For the better understanding of the sense of the law, see what is said on the subject of socmen, husbandmen, and persons born in servitude, in the latter part of the third volume:

34. "Nemo Domino suo subtrahat rectum servitium suum propter ullam remissionem quam ei antea fecerit."

42. "Non capiat quis *namium* aliquod in comitatu, nec extra, usque dum ter rectum petierit in hundredo, aut in comitatu; et si ad tertiam vicem rectum non potest habere, eat ad comitatum, et comitatus præfigat ei diem quartum, et si ipse defecerit de quibus ipse postulat, tunc licentiam accipiat ut possit *namium* capere pro suo homine et testimonio."

N. B. This is very obscure; but Dr. Hickes translates the word *namium* by *distress*, which will a little help to guess at the sense and purport of it.

43. "Nemo emat quantum iv denariis æstimatur, neque de re mortua, neque de viva, absque testimonio iv hominum aut de burgo aut de villa. Et si quis rem vendicat, et is non habeat testimonium, si nullum habeat warrantum, respondeat alteri catalogum suum, et forisfacturam habeat, qui habere debet; et si testimonium habeat, ut jam diximus, advocet tribus vicibus, et vice quarta distracionet, aut rem reddat."

BOOK I. *N. B.* This law is taken from the 22d of King Canute. The restraint it lays upon buying any thing, except in the presence of four witnesses, must have been very inconvenient, though useful to prevent theft.

44. " Nobis rationi consonum non videtur, ut quis propriationem [Q. probationem, in the French *pruvance*] faciat supra testimonium quod cognoverit id quod interest, et quod nihil quis proprium faciat ante terminum vi mensium postquam averium furto sit ablatum."

46. " Nemo alium recipiet ultra tres noctes, nisi is eum illi commendaverit qui ejus fuerit amicus."

47. " Nemo hominem suum a se discedere patitur antequam restatus fuerit."

49. " Quilibet etiam Dominus habeat servientem suum aut plegium suum, quem, si non restatus fuerit, habeat ad restum in hundredo."

N. B. Concerning these laws of frank pledge, and restraint on the lodging of strangers, see what is said in the latter part of the third volume.

This refers to
vol. i. p. 141.

Nº IV.

A N N O Incarnationis Dominicæ M c i. Henricus filius Willelmi Regis post obitum fratris sui Willelmi Dei gracia Rex Anglorum, omnibus fidelibus, Salutem. Sciatis me, Dei misericordia et communi consilio Baronum totius Regni Angliæ, ejusdem Regem coronatum esse. Et quia Regnum oppressum erat injustis exactionibus, Ego, Dei respectu et amore quem erga vos habeo, sanctam Dei Ecclesiam imprimis liberam facio; ita quod nec vendam, nec ad firmam ponam, nec mortuo Archiepiscopo, sive Episcopo, sive Abbate, aliquid accipiam de dominico Ecclesiæ, vel de hominibus ejus,

ejus, donec successor in eam ingrediatur; et omnes malas consuetudines, quibus Regnum Angliæ injuste opprimebatur, inde aufero: Quas malas consuetudines ex parte hic pono. Si quis Baronum, Comitum meorum, sive aliorum qui de me tenent, mortuus fuerit, hæres suus non redimet terram suam, sicut faciebat tempore fratris mei, sed justa et legitima relevatione relevabit eam. Similiter et homines Baronum meorum justa et legitima relevatione relevabunt terras suas de Dominis suis. Et si quis Baronum, vel aliorum hominum meorum, filiam suam nuptum tradere voluerit, sive sororem, sive nepotem, sive cognatam, meum inde loquatur: sed neque ego aliquid de suo pro hac licentia accipiam, neque defendam ei, quin eam det, excepto si eam vellet jungere inimico meo. Et si, mortuo Barone sive alio homine meo, filia hæres remanserit, illam dabo consilio Baronum meorum cum terra sua: Et si, mortuo viro, uxor ejus remanserit, et sine liberis fuerit, dotem suam et maritacionem habebit, et eam non dabo marito, nisi secundum velle suum. Si vero uxor cum liberis remanserit, dotem quidem et maritacionem habebit dum corpus suum legitime servaverit, et eam non dabo nisi secundum velle suum: et terræ et liberorum custos erit, sive uxor, sive alius propinquarius qui justius esse debeat. Et præcipio quod Barones mei similiter se contineant erga filios et filias vel uxores hominum suorum. Monetagium commune, quod capiebatur per Civitates et Comitatus, quod non fuit tempore Regis Edwardi, hoc ne amodo fiat omnino defendo. Si quis captus fuerit, sive Monetarius, sive alius, cum falsa moneta, justitia recta inde fiat. Omnia placita, et omnia debita quæ fratri meo debebantur condono, exceptis rectis firmis meis, et exceptis illis quæ pacta erant pro aliorum hæreditatibus, vel pro eis rebus quæ justius aliis contingebant. Et si quis hæreditate sua

BOOK I. sua aliquid pepigerat, illud condono, et omnes relevationes quæ pro rectis hæreditatibus pactæ fuerant: et si quis Baronum vel hominum meorum infirmabitur, sicut ipse dabit vel dare disponet pecuniam suam, ita datam esse concedo; quod si ipse præventus armis vel infirmitate pecuniam suam non dederit, vel dare disposuerit, uxor sua, sive liberi aut parentes, et legitimi homines ejus eam pro anima ejus dividant, sicut eis melius visum fuerit. Si quis forisfecerit, non dabit vadium in misericordia pecuniæ, sicut faciebat tempore patris mei vel fratris mei; sed secundum modum forisfacti ita emendabit, sicut emendasset retro a tempore patris mei in tempore aliorum Antecessorum meorum. Quod si perfidiæ vel sceleris convictus fuerit, sicut justum fuerit, sic emendet. Murdra etiam retro ab illo die, quo in Regem coronatus fui, omnia condono; et ea quæ amodo facta fuerint, juste emendentur secundum Lagam Regis Edwardi. Forestas omni * consensu Baronum meorum in manu mea retinui, sicut pater meus eas habuit. Militibus qui per loricas terras suas defendunt terras dominicarum carucarum suarum quietas ab omnibus gildis et omni opere proprio dono meo concedo, ut sicut tam magno allevamine alleviati sunt, ita se equis et armis bene instruat ad servitium meum, et ad defensionem Regni mei. Pacem firmam in toto regno meo pono et teneri amodo præcipio. Lagam Edwardi Regis vobis reddo, cum illis emendationibus quibus pater meus eam emendavit consilio Baronum suorum. Si quis aliquid de rebus meis, vel de rebus alicujus post obitum Willelmi Regis fratris mei cepit, totum cito sine emendatione reddatur; et si quis inde aliquid retinuerit, ille, super quem inventum fuerit, mihi graviter emendabit. Testibus M. Lundoniæ episcopo, et Gundulpho episcopo, et Willelmo electo episcopo, et Henrico comite, et Sim. comite, et Waltero

*F. communi.

Waltero Giffardo, et Roberto de Monfort, et Rogero Bigoto, et Henrico de Portu apud Londoniam quando fui coronatus. BOOK I.

N. B. See what is said of this charter in the second volume and in the notes thereto. See also the latter part of the third volume and notes. The copy here given is taken from the most ancient we have, viz. the Textus Roffensis, which has been published by Mr. Hearne, and since by Dr. Blackstone in his book on the Great Charter.

N° V.

This refers to
vol. i. p. 143.

Charta Regis Henrici primi, ubi Comitatus teneri debet, et ubi placita de divisis terrarum. E codice Dom. H. Spelman. Regum Veterum Statutorum Regni Angliæ.

HENRICUS Rex Anglorum Sampsoni Episcopo et Ursoni de Abetot, et omnibus Baronibus suis Francis et Anglicis de Wirecestria, Salutem.

Sciatis quod concedo et præcipio, ut amodo Comitatus mei et Hundredi in illis locis et eisdem terminis sedeant, sicut federunt in tempore Regis Edwardi, et non aliter. Ego enim, quando voluero, faciam ea satis summoneri propter mea dominica necessaria ad voluntatem meam. Et si amodo exurgat placitum de divisione terrarum, si est inter Barones meos dominicos, tractetur placitum in Curia mea. Et si est inter Vavassores duorum Dominorum, tractetur in Comitatu; et hoc Duello fiat, nisi in eis remanserit.

Et

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Et volo et præcipio, ut omnes de Comitatu eant ad Comitatus et Hundreda, sicut fecerint tempore Regis Edwardi : nec remaneant propter aliquam causam pacem meam, vel quietudinem, qui non sequuntur placita mea et judicia mea, sicut tunc temporis fecissent. Teste R. Episcopo Londoniæ, et R. Episcopo, et Ranulfo Cancell. et R. Comite de Mell. apud Rading.

N. B. From hence it appears, that in the reign of King Henry the First there were in Worcester-shire some English barons holding of the crown, as well as Norman or French : and it is not to be supposed that they were only confined to that county. This charter is very important with regard to the jurisdictions of the king's court, and of the courts of the County and Hundred. Of these jurisdictions I shall say more in another part of this work, where I shall treat of the institution of regular annual circuits of itinerant justices by King Henry the Second, and there also I shall consider the method of trials by duel, of which mention is made in this charter. There are many other laws ascribed to Henry the First ; but, as I do not think the collection genuine, I have not inserted them here. See what is said on this subject in the latter part of the first book of the second volume, and the notes thereto.

N^o VI.

BOOK I.

*Charta Stephani Regis de Libertatibus.*This refers to
vol. i. p. 243.

*From an ancient manuscript in the Cotton Library
(Claudius D. ii. f. 75.) and Dr. Blackstone's Book on
the Great Charter.*

STEPHANUS Dei Gratia Rex Angliæ Justici-
Vicecomitibus, Baronibus, et omnibus ministris
et fidelibus suis, Francis et Anglicis, Salutem.

Sciatis me concessisse et præsentī Charta confir-
masse omnibus Baronibus et hominibus meis de
Anglia omnes libertates et bonas leges, quas Hen-
ricus Rex Angliæ, avunculus meus, eis dedit et
concessit; et omnes bonas leges et bonas consuetu-
dines eis concedo quas habuerunt tempore Regis
Edwardi. Quare volo et firmiter præcipio, quod
habeant et teneant omnes illas bonas leges et liber-
tates de me et hæredibus meis, ipsi et hæredes sui,
libere, quiete, et plenarie. Et prohibeo ne quis eis
super hiis molestiam vel impedimentum vel diminu-
tionem faciat, super forisfacturam meam. Teste
Willielmo Martel apud London.

N^o VII.This refers to
vol. i. p. 244.

*Charta Stephani Regis, de Libertatibus Ecclesiæ
& Regno concessis. Ex Originali, inter Ar-
chivos Dec. & Capitul. Exon. reservato.*

EGO Stephanus Dei gratia, assensu Cleri et
Populi in regem Anglorum electus, et a Do-
mino Willielmo Cantuar. Archiepiscopo et sanctæ
Romanæ Ecclesiæ legato consecratus, et ab Inno-
centio sanctæ Romanæ sedis pontifice confirmatus,

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I i

respectu

I. respectu et amore Dei sanctam Ecclesiam liberam esse concedo, et debitam reverentiam illi confirmo. Nihil me in Ecclesia vel rebus ecclesiasticis simoniacum acturum vel permissurum esse promitto. Ecclesiasticarum personarum et omnium Clericorum et rerum eorundem Justitiam et Potestatem, et distributionem bonorum Ecclesiasticorum in manu Episcoporum esse perhibeo et confirmo. Dignitates Ecclesiarum privilegiis earum confirmatas, et consuetudines earum antiquo tenore habitas, inviolatè manere statuo et concedo. Omnes Ecclesiarum possessiones et tenuras, quas die illa habuerunt quæ W. Rex Avus meus fuit vivus et mortuus, sine omni calumpniantium reclamazione eis liberas et absolutas esse concedo. Si quid vero de habitis vel possessis ante mortem ejusdem Regis, quibus modo careat, Ecclesia deinceps repetierit, indulgentiæ et dispensationi meæ vel restituendum vel discutiendum reservo. Quæcunque vero post mortem ipsius Regis, liberalitate Regum, vel largitione Principum, oblatione vel comparatione, vel qualibet transmutatione fidelium eis collata sunt, confirmo. Pacem et Justitiam me in omnibus facturum et pro posse meo conservaturum eis promitto. Forestas quas W. avus meus et W. avunculus meus instituerunt et habuerunt, mihi reservo. Ceteras omnes, quas Rex H. superaddidit, Ecclesiis et Regno quietas reddo et concedo. Siquis Episcopus vel Abbas vel alia Ecclesiastica Persona ante mortem suam rationabiliter sua distribuerit vel distribuenda statuerit, firmum manere concedo. Si vero morte præoccupatus fuerit, pro salute animæ ejus Ecclesiæ consilio eadem fiat distributio. Dum vero sedes propriis pastoribus vacuæ fuerint, ipsas et earum possessiones omnes in manu et custodia Clericorum vel proborum hominum ejusdem Ecclesiæ committam, donec Pastor canonice substitutur. Omnes exactiones et injusticias

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cias et mescheningas, five per vicecomites vel per alios quoslibet male inductas, funditus extirpo. Bonas Leges et antiquas, et justas consuetudines in murdris, et placitis, et aliis causis observabo, et observari præcipio et constituo. Hæc omnia concedo et confirmo, salva regia et justa dignitate mea. Testibus W. Cantuar. Archiepiscopo, et Hug. Rothom. Archiepiscopo, et Henrico Winton Episcopo, et Rogero Sarum Episcopo, et A. Linc. Episcopo, et Nigell. Eliens. Episcopo, et Eurardo Norvic. Episcopo, et Simone Wigorn. Episcopo, et Bernar. Episcopo de *St. David*, et Audoen. Ebroic. Episcopo, et Ricar. Abrinc. Episcopo, et Rob. Heref. Episcopo, et Johan. Rovec. Episcopo, et Athelulfo Carlol. Episcopo, et Rogero Cancellario, et Henrico nepote Regis, et Rob. de fisc. et R. Comite Gloec. et Will. Comite de Warrena, et Rad. Comite Cestriæ, et Rob. Comite de Warewic, et Rob. de Ver. et Milone de Gloec. et Brient fil. Comitis, et Rob. de Oilli Cónestabulariis, Will. Martel, et Hugone Bigot, et Humfred. de Bohun, et Tim. de Bellocamp dapiferis, et Will. de Albin. et Eudone Martel. Pincerna, et Rob. de Ferrariis, et Will. Peuerel de Notingham, et Sim. de *Santliz*. et Will. de Alban, et Pagano fil. Johan. et Hamone de Sto Claro, et Gilberto de Laccio. Apud Oxenford anno ab incarnatione Domini M, c. xxxvi. sed Regni mei primo.

N. B. See what is said of these two charters, p. 243. and 244. of this volume. Dr. Blackstone has given a copy of the latter from Mr. Hearne, who says he took it from an original which had been in his hands. I have compared them, and find some variations, but none that are material with regard to the sense, except that the last words of Hearne's end with the words — in communi concilio, instead of — sed regni mei primo.

Not. ad Gul.
Neubrigens.
711.

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N^o VIII.

This refers to
vol. i. p. 245.

Pope Innocent's bull for the confirming of Stephen's election to the kingdom of England. From Rich. Hagustald. inter Decem Scriptores, p. 313, 314.

INNOCENTIUS Episcopus, servus servorum Dei, carissimo in Christo filio Stephano illustri Anglorum Regi, Salutem et Apostolicam benedictionem. Rex regum et Dominus dominantium, in cujus manu sunt omnium potestates et omnia jura regnorum, ex incomprehensibili supernæ providentiæ dispensatione, quando vult, mutat tempora et transfert regna. Sicut enim attestatur propheta, *Dominatur excelsus in regno hominum, et cui voluerit dat illud.* Quot commoditates, quanta jocunditatis tranquillitas, quantaque justitiæ censura in regno Angliæ et ducatu Normanniæ, regnante filio nostro gloriosæ memoriæ Henrico rege, viguerunt, eo humanis rebus exempto oculata fide perclaruit. Cum enim idem esset religiosorum virorum amator, pacis et justitiæ cultor, viduarum et orphanorum propitius consolator, et eorum qui impotentia defendere se non poterant pius defensor; ipso sublato de medio, prout accepimus, turbata est religio in regno Angliæ, et nullum mandatum pacis seu justitiæ in adjutorio regali vigeat, atque atrocitatem tantorum scelerum comitabatur impunitas. Ne autem diutius grassando in populum Dei debacchari posset dira feralitas, inclinata est ad preces religiosorum virorum divinæ miseratio pietatis, et tantis flagitiis potenter occurrens, (quemadmodum venerabilium fratrum nostrorum, Archiepiscoporum, Episcoporum earundem regionum, et amatorum sanctæ Romanæ ecclesiæ, gloriosi Francorum regis, et illustris viri Comitis Theobaldi

Theodaldi scripta testantur, et illustrium virorum BOOK I.
 nobis indicavit assertio) communi voto et unanimi
 assensu tam procerum quam etiam populi, te in re-
 gem eligere et a præsulibus regni consecrari provi-
 dit. Nos cognoscentes vota tantorum virorum in
 personam tuam, præeunte divina gratia, convenisse,
 pro spe etiam certa te beato Petro in ipsa consecra-
 tionis tuæ die obedientiam et reverentiam promi-
 sisse, et quia de præfati regis prosapia prope posito
 gradu originem traxisse dinosceris, quod de te fac-
 rum est gratum habentes, te in specialem beati Petri
 et sanctæ Romanæ ecclesiæ filium affectione paterna
 recipimus, et in eadem honoris et familiaritatis
 prærogativa qua prædecessor tuus, egregiæ recorda-
 tionis Henricus à nobis coronabatur, te propensius
 volumus retinere.

N. B. See what is said of this bull p. 245. to
 248. of this volume. I will add here, that it
 does not appear to me from the best accounts
 of those times, that the disorders which broke
 out in the kingdom of England on the
 death of Henry the First were of such a na-
 ture, that they could not have been easily
 restrained by the grand justiciary, if he had
 done his duty as regent and guardian of the
 kingdom in the absence of Matilda. Yet the
 first reason given by Innocent in this bull, to
 justify Stephen's election, is the necessity of
 opposing and stopping those disorders. But
 the real motives, which inclined his Holiness
 to approve and confirm that election, were
 those afterwards mentioned, viz. the recom-
 mendations of the English prelates, of the king
 of France, of the earl of Blois, and the pro-
 mises made by Stephen of *obedience and reve-
 rence to St. Peter.*

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N° IX.

This refers to
vol. i. p. 245.

Extract. e Literis G. Abb. Gloc. ad fil. Brierley. Cave Manuscr. Epist. Gilb. Fol. episc. London. in Bibliotheca Bodleiana.

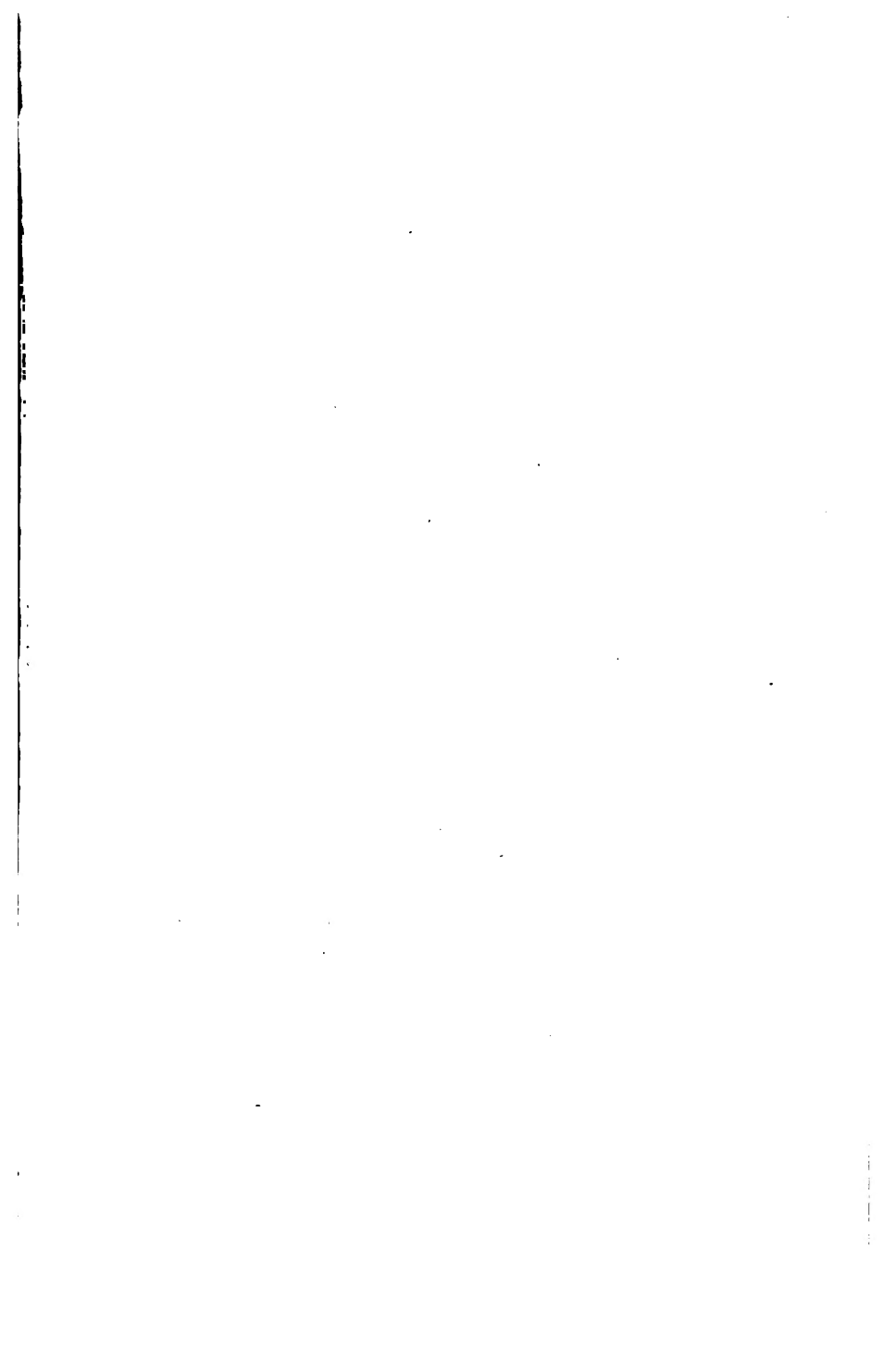
NON diu est quod audisti Dominum Papam Innocentem convocasse Ecclesiam et Romæ conventum celebrem habuisse. Magno illi Conventui cum Domino et Patre nostro Domino Abbate Cluniacensi interfui et ego Cluniacensium minimus. Ibi causa hæc in medium deducta est, et aliquandiu ventilata: stabatque ab Imperatrice Dominus Andegavensis Episcopus, qui cum causam ejus diligenti percurrisset oratione, contra ipsum, quasi cum voce præconia, in communi audientia declamatum est. Et quia Dominus Andegavensis duo inducebat præcipue, Jus scilicet hereditarium et factum Imperatrici juramentum; contra hæc duo in hæc verba responsum est. Oportet in causis omnibus, quæ multiplici jure nituntur, hoc considerare præcipue, quid sit jus principale in causâ, quo causa ipsa principaliter innititur; quod vero secundarium sit, et ab ipso principali dependens. Sublato enim jure principali, necessario tollitur et secundarium. In hac igitur causâ principale est, quod Dominus Andegavensis de hereditate inducit; et ab hoc totum illud dependet, quod de juramento subjungitur: Imperatrici namque, sicut heredi, juramentum factum fuisse pronunciat. Totum igitur quod de juramento inducitur exinaniri necesse est, si de ipso hereditario jure non constiterit. Ipsum vero sic infringitur: Imperatricem, de qua loquitur, non de legitimo matrimonio ortam denunciamus. Deviavit a legitimo tramite Henricus Rex, et quam non licebat sibi junxit matrimonio, unde istius sunt

Natalitia

Natalitia propagata; quare illam Patri in heredem **BOOK L**
non debere succedere et Sacra denunciant. Hoc
in communi audientia multorum vociferatione de-
clamatum est, et nihil omnino ab altera parte re-
sponsum.

N.B. This is printed without the abbreviations
in the original; and some stops are added, to
make it clearer. See what is said of it from
p. 245. to 248. of this volume.

THE END OF THE FIRST VOLUME.



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